

Message

From: Jim Bartlett, Full Circle Compliance ("FCC") [jebartlett@fullcirclecompliance.eu]
Sent: 8/31/2018 8:03:12 PM
To: hartrl@state.gov
Subject: 18-0831 Friday "Daily Bugle"

Friday, 31 August 2018



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. [Subscribe here](#) for free subscription. [Contact us](#) for advertising inquiries and rates. [N.B. The Daily Bugle will not be released on Monday, 3 September 2018, a U.S. Federal Holiday.]

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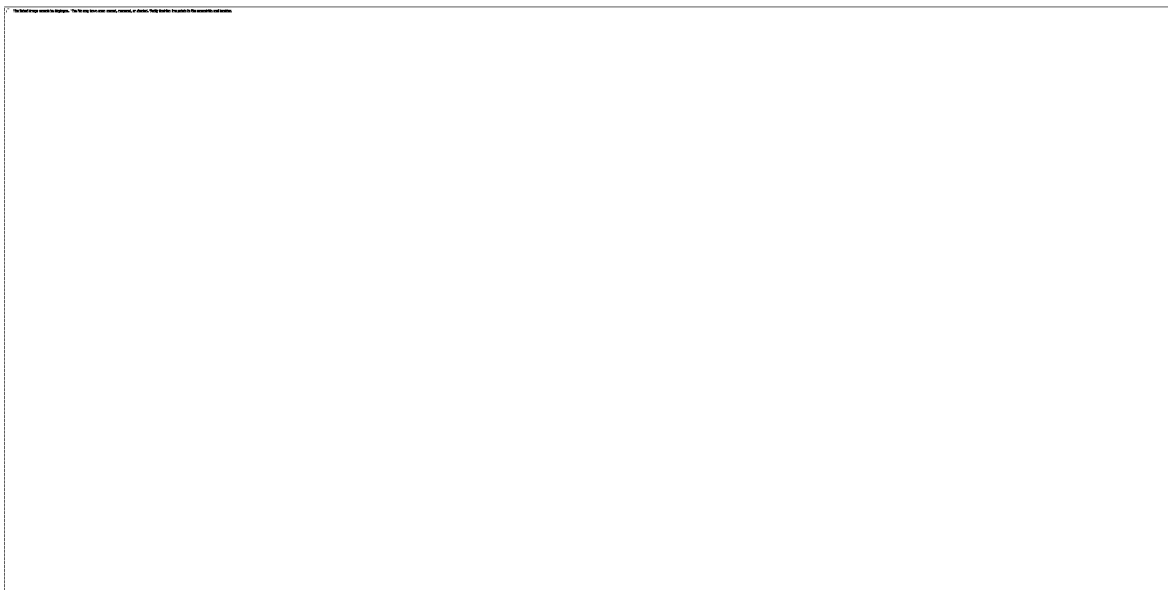
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 **ITEMS FROM TODAY'S FEDERAL REGISTER**



1. Commerce/BIS Announces TRETAC Meeting on 26 Sep in Washington DC

(Source: Federal Register, 31 Aug 2018.) [Excerpts.]

83 FR 44566: Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee (TRETAC) will meet on September 26, 2018, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

- (1) Welcome and Introductions.
- (2) Status reports by working group chairs.
- (3) Public comments and Proposals.

Closed Session

- (4) Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 Sec. Sec. 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov no later than September 19, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email. ...

For more information, call Yvette Springer at (202) 482-2813.

Yvette Springer, Committee Liaison Officer.

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OTHER GOVERNMENT SOURCES



2. Items Scheduled for Publication in Future Federal Register Editions

(Source: [Federal Register](#))

* Commerce; Industry and Security Bureau; RULES; Entity List; Additions, Revisions, Removals [Publication Date: 4 September 2018.]

* President; PROCLAMATIONS; Trade [Publication Date: 4 September 2018.]:

- Aluminum; Adjustment of Imports Into the U.S. (Proc. 9776)

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3. Commerce/BIS: (No new postings.)

(Source: [Commerce/BIS](#))

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4. DHS/CBP Announces ACE Certification FQ Deployment, 1 Sep

(Source: [CSMS #18-000508](#), 31 Aug 2018.)

Please be advised that there will be an ACE CERTIFICATION deployment of ACE Extract Reference Query (FQ) on Saturday evening, September 1, 2018, at 2200 ET.

To be deployed:

- Tickets# 11333875, 11321618: FQ F111 FIRMS Query by District code should return Multiple records.

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5. DHS/CBP Announces Temporary Limitation in ACE Reports for Upgrade to SAP Business Objects Version 4.2

(Source: [CSMS #18-000506](#), 30 Aug 2018.)

ACE Reports is in the process of upgrading from SAP Business Objects version 4.1 to version 4.2, which will result in a number of new features being available to reports users.

In order to fully transition to version 4.2, there will be a temporary limitation to reports users. Starting at 9:00 PM on August, 31, 2018, reports users will not be able to save any changes made to current reports or save any ad-hoc reports in any ACE Reports folders. However, users will be able to export any updated reports or new ad-hoc reports in the same formats that are currently available.

ACE Reports will return to normal operations on Monday, September 10, 2018 with the full upgrade to version 4.2.

We apologize for any inconvenience this may cause during this transition period and will publish a follow-up message soon on the new features available in version 4.2.

Please send any questions or concerns to the Branch Chief of the Business Intelligence/Data Warehouse team, Daniel Collier at daniel.collier@cbp.dhs.gov.

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6. DHS/ICE: "Colorado Woman Sentenced to 3 Years in Federal Prison for Illegally Exporting Firearms to the Dominican Republic"

(Source: [DHS/ICE](#), 30 Aug 2018.) [Excerpts.]

A former member of the U.S. Army stationed at Fort Carson, Colorado, was sentenced Thursday to serve three years in federal prison following her criminal conviction for illegally exporting firearms to the Dominican Republic in 2015.

On Sept. 1, 2015, a federal grand jury indicted Katherine O'Neal, 43, for numerous firearm and illegal financing-type criminal charges. A superseding indictment was handed down on Nov. 20, 2016, with a second superseding indictment returned on Dec. 5, 2017. A jury found O'Neal guilty of smuggling goods from the United States on March 6, 2018. O'Neal was acquitted on other counts alleging false information on firearm-purchase forms and money laundering.

At trial, before U.S. District Court Judge William J. Martinez, the government introduced evidence showing that O'Neal made multiple trips to the Dominican Republic shortly after purchasing firearms in Denver and Colorado Springs, Colorado. On one trip she flew from Denver to the Dominican Republic with 11 firearms in her luggage in early June 2015. O'Neal declared the firearms to the airline, but did not obtain the required State Department export license. Her bags had been misdirected by the airline and were not on her flight. When the bags arrived later, Dominican Republic officials noticed the handguns while examining her baggage. When O'Neal arrived at the airport to claim her luggage, she was arrested. The Dominican Republic has a ban on all imported

firearms. A Denver jury found O'Neal guilty of smuggling goods from the United States.

O'Neal must also serve three years on supervised release after she completes her prison sentence. ...

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7. DoD/DSS Posts White Paper Discussing Outside Director/Proxy Holder Reform

(Source: [DoD/DSS](#), 31 Aug 2018.)

After more than one year of research and collaboration with government and industry stakeholders, DSS has released a White Paper explaining possible reforms to the framework governing Outside Directors and Proxy Holders (OD/PH), who serve on the Boards of Directors of cleared contractors with DSS-approved FOCI mitigation agreements. OD/PH play a critical role in overseeing and protecting government interests. The goal of reforming the OD/PH framework is to empower those individuals and to strengthen their Boards. You may read the paper [here](#).

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8. State/DDTC: (No new postings.)

(Source: [State/DDTC](#))

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NEWS



9. The National Law Journal: "Clifford Chance Hit with Civil Penalty in U.S. Justice Dept. Discrimination Case"

(Source: [The National Law Journal](#), 29 Aug 2018.) [Excerpts.]

The firm, without admitting guilt, agreed to pay a \$132,000 penalty, along with lost wages to three unidentified individuals, to resolve immigration-related claims tied to a document-review project.

In court and at the negotiation table, U.S. Justice Department prosecutors and defense lawyers from big firms often take differing views of the law. Less

common is the case in which a different view of the law makes the firm, and not the client, the focus of a government investigation.

In court and at the negotiation table, U.S. Justice Department prosecutors and defense lawyers from big firms often take differing views of the law. Less common is the case in which a different view of the law makes the firm, and not the client, the focus of a government investigation.

Clifford Chance found itself in that position over its apparent misunderstanding of data-access regulations concerning the export of defense and military equipment. On Wednesday, the firm agreed to pay a \$132,000 civil penalty, along with lost wages to three unidentified individuals, to resolve a Justice Department investigation into the firm's refusal last year to allow dual citizens and non-U.S. citizens to work on a document review project.

According to the Justice Department, Clifford Chance unlawfully shut out dual citizens, along with non-citizens authorized to work in the U.S., based on the firm's misreading of regulations that limit access to certain sensitive information. The settlement papers did not reveal the identity of the client.

Clifford Chance, according to the settlement document, restricted its staffing to U.S. citizens in a "good faith" effort to comply with the data access rules set by the International Traffic in Arms Regulations.

But the Justice Department said the regulations also allow U.S. nationals, lawful permanent residents, asylees and refugees to access certain sensitive information covered by those national security rules.

A spokesperson for Clifford Chance said the firm was "pleased to reach a settlement on this matter." The spokesperson declined to identify the client for the document review project.

Justice officials said ITAR regulations do not limit sensitive information to only U.S. citizens. Indeed, the regulations also give access to U.S. nationals, lawful permanent residents, asylees, and refugees, the department said. The department cautioned that employers that limit their hiring to U.S. citizens without a proper legal basis run the risk of violating the Immigration and Nationality Act's anti-discrimination provisions.

"Employers subject to the ITAR must be careful not to engage in unlawful discrimination against U.S. workers," John Gore, acting assistant attorney in charge of the Justice Department's Civil Rights Division, said in a prepared statement. "The Department of Justice is committed to ensuring that employers do not unlawfully exclude U.S. citizens and work authorized non-U.S. citizens from employment opportunities."

Clifford Chance general counsel James Paul signed the agreement for the firm, which did not admit guilt.

Under the settlement, Clifford Chance will be subject to DOJ monitoring and reporting requirements for two years. The firm must also train employees on

the anti-discrimination provision of the Immigration and Nationality Act and inform clients who request citizenship-based hiring restrictions of the law's requirements. ...

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10. ST&R Trade Report: "Dates and Deadlines: Letters of Credit, Food Facilities, Import Declaration"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 31 Aug 2018.)

Following are highlights of regulatory effective dates and deadlines, federal agency meetings, and other trade-related events coming up in the next week.

- 4 Sep: deadline for comments to CPSC on proposal for [safety standard for stationary activity centers](#)
- 4 Sep: deadline for comments on [reorganization of FTZ 78 in Tennessee](#)
- 4 Sep: deadline for comments to FTZ Board on requests for [new, expanded production authority](#)
- 5 Sep: deadline for comments on proposed [new FTZ subzone in North Carolina](#)
- 6 Sep: deadline for comments to ITC on potential [IPR import restrictions on breast imaging devices](#)
- 6 Sep: meeting of BIS [Materials Technical Advisory Committee](#)
- 7 Sep: deadline for comments to USDA on proposals to narrow [import declaration requirements for plant products](#)
- 7 Sep: deadline for nominations for [Emerging Technologies Technical Advisory Committee](#)

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11. Wired: "3-D Printed Gun Blueprints Are Back, and Only New Laws Can Stop Them"

(Source: [Wired](#), 29 Aug 2018.)

Attorneys general from 20 states [celebrated](#) on Monday when a district court judge in Seattle extended an [injunction against the sharing of 3-D printed gun blueprints](#) online. But their victory lap was short-lived. On Tuesday afternoon, Cody Wilson, [founder of the open-source gun-printing advocacy group Defense Distributed](#), announced he would begin selling the blueprints directly to people who want them.

Wilson said that while the preliminary injunction forbade him to share the files online for free, it expressly allowed him to sell them. At a [news conference Tuesday](#), Wilson periodically stopped talking to check his phone when a new sale came through.

This technicality, legal experts say, really does allow Wilson to sell his blueprints. The legally tricky part is verifying that his customers are all US citizens; if not, he'll be in violation of US export law.

But the distinction between selling the blueprints and uploading them online for free underscores the problems with the current legal battle against DIY guns. The current injunction came after a last-ditch effort to ban the plans, but was never the optimal way to prevent 3-D printed gun proliferation. To do that will require legislation, state or federal, expressly forbidding the downloading and sharing of DIY blueprints, as well as the actual printing of plastic guns.

The Limits of Lawsuits

The government's case against Defense Distributed centers on export law, and a deal Wilson struck with the State Department back in July. Until July, DIY gun blueprints were considered a "deemed export" by the Department of Defense, which meant that uploading them online was the same as exporting them internationally. Wilson had argued that defining online data as an arms export violated free speech. Physical publications that make information freely available aren't treated the same as online content; if Wilson had just published the blueprints in a magazine before uploading them, the State Department would have had no room for complaint.

But Wilson, a devoted cryptoanarchist, didn't do that. His blueprints were removed from his website during a four-year legal scuffle with the State Department until this summer, when the government effectively caved by transferring the export licensing of DIY gun blueprints to the Commerce Department, which defines online data in a way that allows for Wilson to distribute his plans.

This was a huge victory for Wilson, who immediately reuploaded the blueprints to his website. But his success likely had more to do with ongoing export law reform than his long-running suit.

"Wilson wasn't likely to win, and the only thing that caused the change here was export control reform in moving .50 caliber or less arms to the Commerce Department," says Clif Burns, an attorney specializing in export controls in the DC office of Bryan Cave Leighton Paisner, who has followed the case from the beginning. "There is no reason for us to have two export agencies. Every other country in the world has one agency that does them all," says Burns.

Unlike the State Department, Commerce doesn't define online posts as exports, and never has. With small firearms exports moving out of its jurisdiction, Burns says, the State Department had no reason to keep fighting the case.

"Why fight a battle that was going to be pointless in a matter of months? So just go ahead and settle it," Burns says. "But they were a little bit sloppy about how they settled it."

Specifically, in July State approved the Defense Distributed blueprints for public release, and it temporarily removed them from the category of small firearms below .50 calibers. That second part opened the door to the case brought by 20 attorneys general, who argued-in addition to noting the security threats-that because of the category change, State had to give Congress notice before implementing the deal.

On Monday, US District Judge Robert Lasnik in Seattle found both aspects of that argument compelling enough to extend an injunction against the publication of the blueprints online. "The instability and inaccuracy of 3-D printed firearms pose threats to the citizens of the plaintiff States," Lasnik wrote.

To some lawyers and gun control advocates, the intention of the injunction was clearly to keep these blueprints from being used to make guns at all. "I think [selling them] is a disingenuous workaround of the judge's order. The core aim of the temporary injunction was to safeguard the public's security while the legal issues are being determined. Selling the blueprints isn't an exercise of First Amendment freedoms, but rather a subversion of a lawful judicial order," says Lawrence Gostin of Georgetown Law, who specializes in public health law.

But while that may have been the spirit of the lawsuit, and the injunction, nothing in the case precludes the sale of those same prints to US citizens in the United States. And it never did.

"The files cannot be uploaded to the internet, but they can be emailed, mailed, securely transmitted, or otherwise published within the United States," Lasnik wrote in the decision Monday.

In fact, because the case against the blueprints has always hinged on export law, Wilson could have sold them legally within the United States all along. "For many years I chose not to sell these files. I was an open source advocate," Wilson said at his Tuesday press conference. He's selling them now for a suggested price of \$10, though he will allow people to pay whatever they want, even as little as a penny. To avoid any accusation that he's uploading them to the internet, Wilson will put the prints on flash drives and mail them to customers. He also requires customers to click a box certifying that they are US citizens, but appears to take no further action to verify their citizenship.

"The whole issue was saying he couldn't export these plans. And what he's saying is that has nothing to do with my domestic distribution of these plans. 'That's never been controlled and I can do that,' and he's dead right on that as long as he only gives them to US citizens," agrees Burns.

Far From Over

Wilson is not selling the blueprints in Washington, Pennsylvania, Massachusetts or any of the 20 states whose AG's brought the case against him. If you try to order them on his website and put an address in any of

those states, you're shown the following message: "451: Oops. You're behind the blue wall. Your masters say you can't be trusted with this information. Sorry, little lamb."

Each of these states has its own gun laws, which Wilson expects will explicitly ban the sale of blueprints within their borders, if they don't already.

"Selling these files into Pennsylvania violates both our state law and the agreement Defense Distributed reached with the Commonwealth before Judge Diamond on July 29. Putting untraceable weapons in the hands of criminals presents a clear public safety threat to Pennsylvanians, which is why I am exploring all of my legal options to stop these sales," said Pennsylvania attorney general Josh Shapiro in a statement to WIRED.

Washington State attorney general Bob Ferguson put the ball in the Trump administration's court. "Because of our lawsuit, it is once again illegal to post downloadable gun files to the internet," Ferguson said in a statement. "I trust the federal government will hold Cody Wilson, a self-described 'crypto-anarchist,' accountable to that law. If they don't, President Trump will be responsible for anyone who is hurt or killed as a result of these weapons."

To really stop these blueprints from becoming untraceable ghost guns in the US, state and federal governments need to outlaw the sale and distribution of the plans for plastic guns directly, irrespective of their export status. "This gerrymandered system of doing it through the export control laws doesn't make any sense," says Burns. "Frankly, what that does is say that we are worried that we are putting these plastic guns in the hands of French citizens but we can't control whether that's being done in the United States or not."

For now, the blueprints are for sale in 30 states. Proceeds from the sales will go to paying Wilson's legal fees, which will continue to be considerable-and if it turns out he sells the plans to any non-US citizens or anyone outside the US, they'll be even higher.

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COMMENTARY



12. A.P. Bosch & V.J.A. Goossen: "Dutch Government Presents Perspective on Recast of the EU Dual-Use Regulation"

(Source: [Full Circle Compliance](#), 31 Aug 2018.)

* Authors: Alexander P. Bosch, Senior Associate, apbosch@fullcirclecompliance.eu; and Vincent J.A. Goossen, Program Manager, vjagoossen@fullcirclecompliance.eu. Both of Full Circle Compliance; assistant editors of the Daily Bugle.

On 29 August, the Dutch Secretary of Foreign Trade and Development informed the Dutch House of Representatives ("*de Tweede Kamer*") about the current state of and the position of the Netherlands concerning the recast of Council Regulation 428/2019 ("the Dual-Use Regulation") [FN/1].

A proposal for the recast was presented by the European Commission on 28 September 2016. The aim of the proposed recast is to modernize and strengthen the regulations. The most relevant update concerns the strengthening of controls on cyber surveillance technology in order to enhance human rights protection. The EU commission's aim is also to create a more equal playing field and enhance transparency.

Below is a summary and unofficial translation of the letter to the Dutch House of Representatives:

The Dutch Position: Export Controls as a Foreign Policy Tool

The Dutch position is that the EU Dual-Use Regulation has proven itself over the years as a well-functioning export control framework for the European export control authorities. The Netherlands sees "added value" in a revision and modernization of the regulation. In this review, the Netherlands will focus on the following components.

Adding Cybersurveillance Technology

The Netherlands considers the broadening of export control to include cybersurveillance technology as necessary. The Dual-Use Regulation is considered to be the appropriate instrument to achieve this. Cybersecurity is viewed as a growing threat to the stability of countries and becomes a more relevant theme for a secure world. An increased amount of data is stored digitally, interlinked, and shared via internet connections. This offers opportunities for trade, freedom of expression, political participation and democratization. However, there is also a downside. In a growing number of countries, governments restrict or forbid access to the internet. Some governments also follow the digital footprints of human rights activists as to trace and prosecute them. The threats of cyber-crime, cyber espionage, and digital warfare increase as well. Such topics require an EU-wide approach and the Netherlands sees export control as one of the ways to do so.

The European Commission's proposal still requires further elaboration on the cyber theme as to clearly define the concept of cybersurveillance technology and of the human rights that can be violated by it. It is essential to provide clear and predictable framework for the business community in this effort.

The Netherlands considers an export control system most effective when it is based on three pillars:

- (1) Working on the basis of a control list,
- (2) The safety net of the ad hoc license requirement;
- (3) Corporate social responsibility.

In the revision of the regulation and the implementation of the aforementioned extension to cybersurveillance technology, the Netherlands determines its commitment on the basis of these three pillars.

(1) Implementation Control Lists

The Netherlands is committed to work towards a control list for cybersurveillance technology. Such a list provides clarity to companies and export control authorities and brings legal certainty.

With the introduction of an EU control list for cybersurveillance technology, the EU will deviate from the lists used by multilateral export control regimes. The Netherlands is committed to safeguarding the international level playing field as well as possible by continuing to work on control through the appropriate international regimes and to deviate as little as possible from the existing export control system. However, among the participating states of the multilateral export control regimes, there is currently no consensus for export control on cybersurveillance technology. At the same time, the Netherlands believes that the risks of human rights violations due to cybersurveillance technology must be overcome and sees a role for the EU as a leader on this issue. Overcoming the risks of human rights violations weighs heavier than maintaining the international level playing field for the Netherlands.

(2) Ad-Hoc License Requirement

Technology is developing at high speed, so a control list will never be entirely able to keep pace. The Netherlands sees the ad-hoc license requirement (or "catch-all" instrument) for goods that are currently not on control list, as essential for an effective export control system. Therefore, the Netherlands also wants to use the ad-hoc licensing obligation for cybersurveillance technology. This tool enables Member States to act quickly and purposefully on information about non-controlled cybersurveillance technology, which shows that this technology may be used in human rights violations.

The catch-all instrument has shown itself useful in the current Dual-Use Regulation and enables the Dutch government to act in special cases in the case of high-risk exports of non-controlled goods. With regard to the catch-all instrument for cybersecurity technology, the Netherlands receives little support from other EU member states. The reason for this

is the uncertainty in the industry about how this tool will work out in practice for cybersurveillance technology. The Netherlands tries to increase the support of other member states in bilateral consultations.

(3) Corporate Social Responsibility

Companies taking their international corporate social responsibility is considered by the Dutch government as the third pillar of an effective export control system. The Dutch export control authorities regularly consult with companies to point out the risks that exports may entail. It underlines that companies have their own social responsibility, must be aware of the potential safety risks of their exports and act accordingly.

The Netherlands requires companies to issue an Internal Compliance Program (ICP) for global export licenses, which, among other things, address the risk of human rights violations in the export of cyber-surveillance goods. The Netherlands considers it desirable that corporate social responsibility is explicitly mentioned in a revised Dual-Use Regulation. The European Parliament has already introduced the term "due diligence" (an approach taken from the OECD guidelines for multinational companies and the UN Guiding Principles on Business and Human Rights) in its Position on the matter. The Netherlands can support such an addition, provided that it remains sufficiently clear what is expected from exporters.

Two other elements from the Dutch position are the following.

A Level Playing Field Within The EU

Promoting a level playing field within the EU is undiminished a Dutch priority in the negotiations on the revision of the Dual-Use Regulation. The Netherlands, therefore, supports the Commission's proposal to level license periods within the EU and to introduce a mandatory Internal Compliance Program (ICP) when applying for global export licenses, which is already practice in the Netherlands.

Transparency

The EU Commission requests more and more extensive reports from the EU Member States on exports that have been licensed and on rejected license applications. The Commission also wants EU Member States to share more information about cases in which the ad-hoc license requirement is invoked. The Netherlands states that it can only support the Commission's efforts if this is done within the existing frameworks for sharing state secret and company-sensitive information. The Dutch practice is already characterized by a high degree of transparency towards the public and the Dutch Parliament. An example of this is the monthly and annual arms export reports that are published by the Ministry of Foreign Affairs. The Netherlands is still not convinced of the usefulness and necessity of more reports and wants to limit the increase in administrative burden as much as possible. The new regulation must

be effective, clearly written, and executable for industry and governments.

Slow Negotiations in the Council

The negotiations in the Council require a lot of time in view of the technical nature of the subject. The Council is aware of the fact that the European Parliament has already taken a position [FN/2]. The Netherlands is working in various ways to keep the progress in the discussions at a pace. For example, the Netherlands, together with a number of other EU member states, has taken the initiative to conduct informal discussions in parallel with the Council, with the aim of making the discussions in the Council as smooth as possible. The Netherlands writes position papers, and provides, as one of ten Member States, each time written comments and text suggestions on the Commission proposal. The Netherlands sends experts to Brussels to participate in technical consultations. It also scheduled a number of bilateral talks at the end of the summer to emphasize, once again, the importance of cybersecurity technology and human rights in the Dual-Use Regulation and to find a way forward in the Council discussions.

In the Council a dichotomy has become visible in recent months [FN/3]. There is a group of like-minded EU member states that can support the expansion to control cybersurveillance technology within the Dual-Use Regulation. The Netherlands is part of this group. However, other member states believe that this issue must be tackled on a national level through national measures. However, such national measures are a last resort for the Netherlands, measures on a topic such as this are particularly effective if they are designed and implemented in a comprehensive manner. The European Parliament supports an approach at the EU level and is not in favor of solely national measures in the EU Member States on this issue.

The Netherlands works together with a number of other EU Member States to maintain the momentum and to come to a Council position with the current European Parliament. The Netherlands wants to adequately tackle new threats from cyber-surveillance technology. A strong EU export control framework is part of that approach. The modernization of the Dual-Use Regulation is necessary to accomplish this.

[FN/1] *Kamerbrief inzake stand van zaken omtrent de onderhandelingen over de dual use-verordening binnen de EU*, 29 August 2018, available [here](#).

[FN/2] Reference P8_TA-PROV (2018) 0006, available [here](#).

[FN/3] In January 2018, eleven EU Member States (Germany, Croatia, the Czech Republic, France, Italy, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain) signaled their support for the EU Commission to draft rules that would place export restrictions on companies selling surveillance technologies, according to a leaked [negotiating document](#) obtained by EURACTIV.com. See [here](#).

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13. C. Duan & J. Westling: "The Judge in the Latest 3D-Printed Gun Case Got 3D Printing Totally Wrong"
(Source: [Slate](#), 30 Aug 2018.)

* Authors: Charles Duan, Director for Technology and Innovation Policy, cduan@rstreet.org, +1 202-900-8247; and Jeffrey Westling, Technology and Innovation Policy Associate. Both from the R Street Institute.

On Monday, a federal court in Washington state blocked Cody Wilson and his company Defense Distributed from putting his 3D-printed gun schematic online. The court's order-the latest in a years-long legal tussle that has picked up this summer-largely focuses on government rulemaking procedures, but a number of times it has to consider how technology works. When it does, it manages to get the technology remarkably wrong.

Perhaps the most comical of these is when the decision considers whether letting the schematic go online will cause "irreparable harm." Most of the files are already online, Wilson's attorneys argued, so what's the harm in putting them up yet again? Yet the court disagreed, saying those online copies might be hard to find-only "a cybernaut with a BitTorrent protocol" could locate them "in the dark or remote recesses of the internet."

Put aside that those "dark or remote recesses" are websites with URLs literally written on court filings in front of the judge. Put aside that the websites are accessed by HTTP, not BitTorrent. Put aside that "cybernaut" is Web 1.0 terminology that peaked in 1999. The phrasing "cybernaut with a BitTorrent protocol" is just grammatically weird. A protocol is computer-speak for a language-not the sort of thing one can possess. One can have a BitTorrent application, but not a BitTorrent language. Plus, no one uses the indefinite article "a" in front of a language. To a computer scientist, it's like referring to Noah Webster, armed with an English.

Other errors in the decision are deeper and more fundamental. The law that supposedly prohibits the posting of the schematic is an export control law, the Arms Export Control Act, so nothing stops Wilson from distributing the schematic inside the United States. But posting the gun schematic online necessarily exposes it to foreign countries, according to the court, because "the internet is both domestic and international."

Yet anyone who has used the internet in the last decade knows that it is not so international today. Streaming video sites regularly have different offerings per country. Corporate websites often redirect users to different sites based on location. Indeed, there are freely available code snippets for blocking users by country. Certainly skilled users can get around location-based blocking, but they are at least at the skill level of BitTorrent-cybernauts who could also find the schematics elsewhere.

Perhaps the judge can't be faulted for that error-none of the lawyers appear to have proposed country-based blocking-but one would expect the court to know how harmful 3D-printed guns actually are, in a case about the harm of 3D-printed guns. That does not appear to be the case. The judge assumes that once the schematic is out, plastic guns will show up everywhere due to the "portability and ease of a manufacturing process"-that is, 3D printing-"that can be set up virtually anywhere."

In fact, making a plastic gun is not as easy as just hitting File-Print. First, most consumer-grade 3D printers currently on the market would print duds, because the plastic that they use cannot reliably handle the intense pressure created when firing a bullet. Printers that can handle the job are not cheap: \$10,000 or more according to one expert. And even the schematic and a quality printer are not enough, because 3D printing is a notoriously finicky process. Without technical expertise on how 3D printers work, you're more likely to end up with an exploding gun than a working one. In other words, Wilson's schematic does not suddenly enable portable, easy gun-printing setups virtually anywhere.

This last mistake reflects an unfortunately systemic problem in government and society: People assume that new technology is perfect and ubiquitous for its worst uses, and unusable and rare for its best. It will be difficult to shake society of this tendency, perhaps attributable to the recent rise in dystopian literature. The best that can be done, then, may be to educate government on technology. When things like the internet and 3D printing do not feel so foreign either in Washington, D.C., or in federal courts, lawmakers and judges may be less worried that such things spell out doom for everyone except the cybernauts.

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EX/IM TRAINING EVENTS & CONFERENCES



14. "9th Annual 'Partnering for Compliance™' West Export/Import Control Conference" on Oct. 16-18; Ft. Worth, TX. Customs/ Import Boot Camp Oct. 19.
(Source: A.E. NicPhaidin, Info@PartneringForCompliance.org)

* What: The 9th Annual "Partnering for Compliance™" West will focus intensely on a broad spectrum of export/import regulatory and compliance matters of current relevance to companies and individuals involved in global trading. Senior-level government officials and trade experts will provide first-class training.

* Where: Dallas-Fort Worth Marriott South Airport Hotel (completely renovated)

* When:

- Tue - Thurs, 16-18 Oct: "9th Annual 'Partnering for Compliance™' West Export Control Program

- Fri, 19 Oct: 1-Day Program "Customs/Import Boot Camp"

* Speakers confirmed: DoS/DDTL: Terry Davis & Audra Collins; DoS/DDTC: Jae Shin; DoC/BIS: Bryce Bewley & Mary Quach & OEE James Fuller; DoD/DTSA: Ken Oukrop; OFAC: Anthony D. Musa (Licensing) & Michael Szustakowski (Enforcement); Census Bureau: Dale Kelly; DHS/CBP: O'Ruill D. McCanlas; ICE: Dean Fittz; UK/EU: David Hayes Export Controls; Imports:

Braumiller Law Group PLLC: Adrienne Braumiller & Bruce Leeds; and U.S. trade.

* Opening Keynote Address: TBA (Invited)

* Cost: Export 3-day program: \$650. Customs/Import 1-day program: \$250. Both programs: \$900.

* Remarks: Maximum capacity is 200 participants to maintain informal and collaborative environment.

* As time permits, all Government and trade speakers will informally hold short "one-to-one" meetings with participants on a "first-come, first-served" basis.

* Certificates of Completion granting: 4.5 IIEI CEUs and 20 CES NCBFAA Credits for 3-day Exports program, and 6.5 CCS NCBFAA Credits for 1-day Customs/Import Boot Camp will be awarded for each program.

* More information: [Here](#).

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15. ECS Presents "ITAR/EAR Symposium & Boot Camp" in Annapolis, MD on 11-13 Sep

(Source: Suzanne Palmer, spalmer@exportcompliancesolutions.com)

* What: The ECS ITAR/EAR Symposium & Boot Camp, Annapolis, MD

* When: September 11-13, 2018

* Where: [Chart House Restaurant on Spa Creek](#)

* Sponsor: Export Compliance Solutions & Consulting (ECS)

* ECS Speaker Panel: Timothy Mooney, Commerce/BIS; Matt Doyle, Lockheed; Matt McGrath, McGrath Law, Scott Jackson, Curtiss-Wright, Suzanne Palmer & Mal Zerden.

* Register [here](#) for the three-day event or by calling 866-238-4018 or e-mail spalmer@exportcompliancesolutions.com

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16. List of Approaching Events: 6 New Events Posted This Week

(Sources: Editor and Event Sponsors)

Published every Friday or last publication day of the week, our overview of Approaching Events is organized to list continuously available training, training events, seminars & conferences, and webinars.

Please, submit your event announcement to Alexander Witt, Events & Jobs Editor (email: awitt@fullcirclecompliance.eu), composed in the below format:

DATE: LOCATION; "EVENT TITLE"; EVENT SPONSOR; WEBLINK;
CONTACT DETAILS (email and/or phone number)

"#" = New or updated listing

Continuously Available Training

- * E-Seminars: "[US Export Controls](#)" / "[Defense Trade Controls](#)"; Export Compliance Training Institute; danielle@learnexportcompliance.com
- * Webinar: "[Company-Wide US Export Controls Awareness Program](#)"; Export Compliance Training Institute; danielle@learnexportcompliance.com
- * E-Seminars: "[ITAR/EAR Awareness](#)"; Export Compliance Solutions; spalmer@exportcompliancesolutions.com
- * Online: "[Simplified Network Application Process Redesign \(SNAP-R\)](#)"; Commerce/BIS; 202-482-2227
- * E-Seminars: "[Webinars On-Demand Library](#)"; Sandler, Travis & Rosenberg, P.A.
- * Online: "[International Trade Webinars](#)"; Global Training Center
- * Online: "[On-Demand Webinars](#)"; "[General Training](#)"; Center for Development of Security Excellence; Defense Security Service (DSS)
- * Online: "[ACE Reports Training and User Guide](#)"; DHS/CBP
- * Online: "[Increase Your International Sales - Webinar Archive](#)"; U.S. Commercial Service
- * Web Form: "[Compliance Snapshot Assessment](#)"; Commonwealth Trading Partners (CTP)
- * Online: "[Customs Broker Exam Prep Course](#)"; The Exam Center

Seminars and Conferences

- * Sep 3: Edinburgh, UK; "[Intermediate Seminar](#)"; UK Department for International Trade
- * Sep 4: Edinburgh, UK; "[Beginner's Workshop](#)"; UK Department for International Trade
- * Sep 4: Edinburgh, UK; "[Control List Classification - Combined Dual Use and Military](#)"; UK Department for International Trade
- * Sep 4: Edinburgh, UK; "[Licenses Workshop](#)"; UK Department for International Trade
- * Sep 4: Leeds, UK; "[Methods of Payment & Letters of Credit](#)"; Chamber International
- * Sep 4: London, UK; "[An Introduction to Exporting](#)"; UK Institute of Export and International Trade
- * Sep 5: Aberdeen, UK; "[Beginner's Workshop](#)"; UK Department for International Trade
- * Sep 5: Aberdeen, UK; "[Intermediate Seminar](#)"; UK Department for International Trade
- * Sep 6: Aberdeen, UK; "[Licenses Workshop](#)"; UK Department for International Trade
- * Sep 11-13: Annapolis, MD; "[ITAR/EAR Symposium & Boot Camp Global Trade Academy](#)"; Export Compliance Solutions (ECS)
- * Sep 11-13: Detroit, MI; "[Export Controls Specialist Certification](#)"; Global Trade Academy
- * Sep 11: Leeds, UK; "[Export Documentation and Export Procedures](#)"; Chamber International

- * Sep 12: Buffalo, NY; "Export Documentation and Procedures Seminar"; International Business Training
- * Sep 12: Melbourne, Australia; Defence Export Controls Outreach; Australian Department of Defense
- * Sep 12-13: Springfield, RI; "Complying with US Export Controls"; Bureau of Industry and Security
- * Sep 12-19: Chicago, IL; "Import 5-Day Boot Camp"; Global Trade Academy
- * Sep 13: Buffalo, NY; "Import Documentation and Procedures Seminar"; International Business Training
- * Sep 13: Frankfurt, Germany; "BAFA/U.S. Export Control Seminar 2018";
- * Sep 13-17: Galveston, TX (Cruise); "ICPA @ SEA!"; International Compliance Professionals Association (ICPA)
- * Sep 16-19: Atlanta, GA; "2018 Annual Conference and Exposition"; National Association of Foreign Trade Zones (NAFTZ)
- * Sep 17: Los Angeles, CA; "Import Compliance"; Global Trade Academy
- * Sep 17-20: Columbus, OH; "University Export Controls Seminar at The Ohio State University in Columbus"; Export Compliance Training Institute (ECTI); jessica@learnexportcompliance.com; 540-433-3977
- * Sep 17-21: Los Angeles, CA; "Import 5-Day Boot Camp"; Global Trade Academy
- * Sep 18: Anaheim, CA; "Import Documentation and Procedures Seminar"; International Business Training
- * Sep 18: Kontich, Belgium; "Export Controls Master Class"; Customs4Trade
- * Sep 18: Los Angeles, CA; "Tariff Classification for Importers and Exporters"; Global Trade Academy
- * Sep 18-19: London, UK; "Decoding Trade Controls, Sanctions And Regulations On Dual-Use Goods"; KNet365
- * Sep 18: San Diego, CA; "12th Annual CompTIA Global Trade Compliance Best Practices Conference"; CompTIA
- * Sep 19: Washington, D.C.; "DDTC In-House Seminar"; Department of State (Registration: Aug 10 - Aug 31; first come, first served)
- * Sep 19: Los Angeles, CA; "NAFTA and Trade Agreements"; Global Trade Academy
- * Sep 19-20: Rome, Italy; "Defense Exports 2018"; SMI
- * Sep 19-20: Los Angeles, CA; "Complying With U.S. Export Controls"; BIS
- * Sep 20: Pittsburgh, PA; "Export Documentation and Procedures Seminar"; International Business Training
- * Sep 20: Los Angeles, CA; "Country and Rules of Origin"; Global Trade Academy
- * Sep 20: Mountain View, CA; "Assist Valuation: What Every Import Professional Needs to Know"; Professional Association of Exporters and Importers
- * Sep 21: Los Angeles, CA; "Customs Valuation - The Essentials"; Global Trade Academy
- * Sep 21: Pittsburgh, PA; "Incoterms 2010: Terms of Sale Seminar"; International Business Training
- * Sep 21-24: Detroit, Michigan; "Best Customs Broker Exam Course"; GRVR Attorneys
- * Sep 24: Seligenstadt, Germany; "Follow-Up Fachtagung"; FALEX
- * Sep 25-26; Chicago, IL; "Financial Crime Executive Roundtable"; American Conference Institute

- * Sep 25: Kansas City, MO; "Import Documentation and Procedures Seminar"; International Business Training
- * Sep 25: Leeds, UK; "Understanding Exporting & Incoterms"; Chamber International
- * Sep 25-26: San Francisco, CA; "11th West Coast Conference on FCPA Enforcement and Compliance"; American Conference Institute
- * Sep 25-26: Toronto, Canada; "4th Forum on Economic Sanctions and Compliance Enforcement"; C5 Group
- * Sep 26: Kansas City, MO; "Export Documentation and Procedures Seminar"; International Business Training
- * Sep 26: McLean, VA; "EAR Basics"; FD Associates
- * Sep 26: Oxford, UK; "Intermediate Seminar"; UK Department for International Trade
- * Sep 27: Oxford, UK; "Beginner's Workshop"; UK Department for International Trade
- * Sep 27: Oxford, UK; "Licenses Workshop"; UK Department for International Trade
- * Sep 27: Oxford, UK; "Control List Classification - Combined Dual Use and Military"; UK Department for International Trade
- * Sep 28: Anaheim, CA; "Export Documentation and Procedures Seminar"; International Business Training
- * Oct 1-4: Austin, TX; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI; jessica@learnexportcompliance.com; 540-433-3977
- * Oct 2: Bruchem, Netherlands; "Awareness Course U.S. Export Controls: ITAR & EAR From a Non-U.S. Perspective"; Full Circle Compliance
- * Oct 2: Leeds, UK; "Export Documentation"; Chamber International
- * Oct 2: Manchester, UK; "E-Z CERT: How To Process Your Export Documentation Online" Greater Manchester Chamber of Commerce;
- * Oct 3: London, UK; "Control List Classification - Combined Dual-Use and Military"; UK Department for International Trade
- * Oct 4: London, UK; "Making better License Applications"; UK Department for International Trade
- * Oct 5: Boston, MA; "Incoterms 2010: Terms of Sale Seminar"; International Business Training
- * Oct 5: Boston, MA; "Incoterms: A Strategic Approach"; International Business Training
- * Oct 9: New Orleans, LA; "Import Documentation and Procedures Seminar"; International Business Training
- * Oct 10: Manchester, UK; "Export Documentation Training Course"; Greater Manchester Chamber of Commerce
- * Oct 10: New Orleans, LA; "Tariff Classification Seminar"; Global Learning Centre
- * Oct 11: New Orleans, LA; "Export Documentation and Procedures Seminar"; International Business Training
- * Oct 11: Rotterdam, NL; "Trade Compliance Congres"; SDU, Customs Knowledge, and EvoFenedex
- * Oct 12: New Orleans, LA; "Incoterms 2010: Terms of Sale Seminar"; International Business Training
- * Oct 15-18: Amsterdam, NL; "US Export Controls on Non-US Transactions - EAR, ITAR, OFAC Regulations Impact for EU, NL, UK & other Non-US Companies"; ECTI; jessica@learnexportcompliance.com; 540-433-3977

- * Oct 15-19: Chicago, IL; "Certified Classification Specialist"; Global Trade Academy
- * Oct 16-18: Dallas, TX; "Partnering for Compliance West Export/Import Control Training and Education Program"; Partnering for Compliance
- * Oct 16: Kontich, Belgium; "Export Control Compliance Basics"; Customs4Trade
- * Oct 17: Manchester, UK; "Understanding Tariff Codes" Greater Manchester Chamber of Commerce
- * October 17-18; Miami/Fort Lauderdale, FL; "11th Maritime Forwarding, Freight Logistics & Global Chain Supply Workshop"; ABS Consulting; albert@abs-consulting.net; 954 218-5285
- * Oct 18-19: McLean, VA; "ITAR Fundamentals"; FD Associates
- * Oct 19: Dallas TX; "Customs/Import Boot Camp"; Partnering for Compliance
- * Oct 21-23: Grapevine, TX; "2018 Fall Conference"; International Compliance Professionals Association (ICPA)
- * Oct 22-26: Dallas, Texas; "Best Customs Broker Exam Course"; GRVR Attorneys
- * Oct 22-23: Arlington, VA; "2018 Fall Advanced Conference"; Society for International Affairs (SIA)
- * Oct 23: Adelaide, Australia; Defence Export Controls Outreach; Australian Department of Defense
- * Oct 23: Kontich, Belgium; "Export Control Compliance Basics"; Customs4Trade
- * Oct 24: Leeds, UK; "Intermediate Seminar"; UK Department for International Trade
- * Oct 25: Leeds, UK; "Beginner's Workshop"; UK Department for International Trade
- * Oct 25: Leeds, UK; "Licenses Workshop"; UK Department for International Trade
- * Oct 25: Leeds, UK; "Control List Classification - Combined Dual Use and Military"; UK Department for International Trade
- * Oct 26: Louisville, KY; "Incoterms 2010: Terms of Sale Seminar"; International Business Training
- * Oct 26: Milwaukee, WI; "Incoterms: A Strategic Approach"; International Business Training
- * Oct 29 - Nov 1: Phoenix, AZ; ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI; jessica@learnexportcompliance.com; 540-433-3977
- * Oct 29: Seattle, WA; "Export Compliance & Controls 101"; Global Trade Academy
- * Oct 30 - Nov 1: Seattle, WA; "Export Controls Specialist - Certification"; Global Trade Academy
- * Oct 30: Singapore; "4th Asia Summit on Economic Sanctions"; American Conference Institute
- * Oct 31 - Nov 1: Singapore; "7th Asia Summit on Anti-Corruption"; American Conference Institute
- * Nov 6: Detroit, MI; "Classification: How to Classify Parts"; Global Trade Academy
- * Nov 6: Manchester, UK; "Export Control Symposium Autumn 2018"; UK Department for International Trade
- * Nov 7: Detroit, MI; "Advanced Classification of Machinery and Electronics"; Global Trade Academy

- * Nov 7: Manchester, UK; "Understanding Incoterms" Greater Manchester Chamber of Commerce
- * Nov 7-9: London, UK; "TRACE European Forum, 2018"; TRACE Anti-Bribery Compliance Solutions
- * Nov 7-9: Detroit, MI; "Advanced Classification for Machinery & Electronics"; Global Trade Academy
- * Nov 8-9: Shanghai, China; "ICPA China Conference"; International Compliance Professionals Association
- * Nov 12-15: Washington, D.C.; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI; jessica@learnexportcompliance.com; 540-433-3977
- * Nov 13: Tysons Corner, VA; "Made in America, Buy America, or Buy American: Qualify your Goods and Increase Sales"; Global Trade Academy
- * Nov 14: Manchester, UK; "Intermediate Seminar"; UK Department for International Trade
- * Nov 15: Manchester, UK; "Beginner's Workshop"; UK Department for International Trade
- * Nov 15: Manchester, UK; "Licenses Workshop"; UK Department for International Trade
- * Nov 15: Manchester, UK; "Control List Classification - Combined Dual Use and Military"; UK Department for International Trade
- * Nov 15: McLean, VA; "ITAR For the Empowered Official"; FD Associates
- * Nov 16, San Diego, CA; "Incoterms 2010: Terms of Sale Seminar"; International Business Training
- * Nov 20: Manchester, UK; "How to Claim Duty Relief on Export and Import Processes" Greater Manchester Chamber of Commerce
- * Nov 20: Sydney, Australia; Defence Export Controls Outreach; Australian Department of Defense;
- * Nov 21: London, UK; "Cyber Export Controls"; UK Department for International Trade
- * Nov 21: Manchester, UK; "Introduction to Exporting" Greater Manchester Chamber of Commerce
- * Nov 27: Houston, TX; "Duty Drawback Specialist - Certification"; Global Trade Academy
- * Dec 3-7: Tysons Corner, VA; "Certified Classification Specialist"; Global Trade Academy
- * Dec 4-5: London, UK; "11th Advanced Conference on Customs Compliance held in Partnership with HMRC"; C5 Group
- * Dec 4-5: Frankfurt, Germany; "US Defence Contracting and DFARS Compliance in Europe"; C5 Group
- * Dec 5: London, UK; "Intermediate Seminar"; UK Department for International Trade
- * Dec 6: London, UK; "Beginner's Workshop"; UK Department for International Trade
- * Dec 6: London, UK; "Licenses Workshop"; UK Department for International Trade
- * Dec 6: London, UK; "Control List Classification - Combined Dual Use and Military"; UK Department for International Trade
- * Dec 6: London, UK; "International Documentation and Customs Compliance"; Institute of Export and International Trade
- * Dec 6: Manchester, UK; "Export Documentation Training Course"; Greater Manchester Chamber of Commerce

- * Dec 6: Manchester, UK; "Introduction to Export Controls and Licenses";
- * Dec 10-13: Miami, FL; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI; jessica@learnexportcompliance.com; 540-433-3977
- * Dec 14: Philadelphia, PA; "Incoterms 2010: Terms of Sale Seminar"; International Business Training

2019

- * Jan 6-7: Long Beach, CA; "Fundamentals of FTZ Seminar";
- * Jan 21-24, 2019: San Diego, CA; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI; 540-433-3977
- # Jan 30-31: Washington, DC; "5th National Forum on CFIUS;" American Conference Institute (ACI)
- * Feb 6-7: Orlando, FL; "Boot Camp: Achieving ITAR/EAR Compliance"; Export Compliance Solutions (ECS)
- * Feb 12-13: Washington, D.C.; "2019 Legislative Summit"; National Association of Foreign Trade Zones (NAFTZ)
- * Mar 26-27: Scottsdale, AZ; "Seminar Level II: Managing ITAR/EAR Complexities"; Export Compliance Solutions
- * May 5-7: Savannah, GA; "2019 Spring Seminar"; National Association of Foreign Trade Zones (NAFTZ)
- * Sep 8-11: Chicago, IL; "2019 Annual Conference and Exposition"; National Association of Foreign Trade Zones (NAFTZ)

Webinars

- * Sep 6: Webinar; "University Export Controls Program: Strength in Numbers"; ECTI; 540-433-3977
- * Sep 11: Webinar; "BIS License Application 748P: How to Prepare It and How to Ensure Best Possible Approval Time"; ECTI; 540-433-3977
- * Sep 12: Webinar; "Understanding the Tariff Wars: Developing Strategies to Overcome International Supply Chain Disruptions"; ECTI; 540-433-3977
- * Sep 19: Webinar; "International Logistics"; International Business Training
- * Sep 24: Webinar; "Tariff Classification: Using the Harmonized Tariff Schedule"; International Business Training
- * Sep 25: Webinar; "NAFTA Rules of Origin"; International Business Training
- # Sep 25: Webinar; "Meeting CBP's Informed Compliance and Reasonable Care Standards;" Sandler, Travis & Rosenberg, P.A. (ST&R)
- * Sep 26: Webinar; "US Antiboycott Regulations: Clarified & Demystified"; ECTI; 540-433-3977
- # Oct 2: Webinar; "Mitigating Section 301 Duties With First Sale Customs Valuation;" Sandler, Travis & Rosenberg, P.A. (ST&R)
- # Oct 3: Webinar; "IT Security, Cloud Computing, and Export Controls;" ECTI; danielle@learnexportcompliance.com; 540-433-3977
- # Oct 10: Webinar; "Advanced Classification, Part 2;" Sandler, Travis & Rosenberg, P.A. (ST&R)
- * Oct 15: Webinar; "Incoterms 2010: Terms of Sale"; International Business Training
- # Oct 23: Webinar; "A Practical Guide to AES Filing: When, What and How to File in the Automated Export System;" ECTI; danielle@learnexportcompliance.com; 540-433-3977

- * Nov 14: Webinar; "An Export Commodity Classification Number - ECCN"; Foreign Trade Association
- * Dec 3: Webinar; "Tariff Classification: Using the Harmonized Tariff Schedule"; International Business Training
- * Dec 4: Webinar; "NAFTA Rules of Origin"; International Business Training
- * Dec 5: Webinar; "Import Documentation and Procedures"; International Business Training
- * Dec 11: Webinar; "Incoterms 2010: Terms of Sale"; International Business Training
- * Dec 20: Webinar; "International Logistics"; International Business Training

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EDITOR'S NOTES



17. Bartlett's Unfamiliar Quotations (Source: Editor)

* **Elizabeth Stuart Phelps** (Elizabeth Stuart Phelps Ward (31 Aug 1844 - 28 Jan 1911; was an early feminist American author and intellectual who challenged traditional Christian beliefs of the afterlife, challenged women's traditional roles in marriage and family, and advocated clothing reform for women.)

- *"What an immense power over the life is the power of possessing distinct aims. The voice, the dress, the look, the very motion of a person, define and alter when he or she begins to live for a reason."*

* **Lily Tomlin** (Mary Jean "Lily" Tomlin; born September 1, 1939; is an American actress, comedian, writer, singer, and producer. Tomlin began her career as a stand-up comedian, and performing Off-Broadway during the 1960s. Her breakout role was performing as a cast member on the variety show, Rowan & Martin's Laugh-In, from 1969 until 1973.)

- *"I personally think we developed language because of our deep need to complain."*

Friday funnies: Homographs, homophones, and heteronyms

Homographs are words of same spelling but with more than one meaning. Homographs that are pronounced differently are heteronyms. Homophones are words that have the same sound as another word but are spelled differently and have a different meaning.

- (1) The bandage was 'wound' around the 'wound'.
- (2) The farm was used to 'produce' 'produce.'
- (3) The dump was so full that it had to 'refuse' more 'refuse.'

- (4) We must 'polish' the 'Polish' furniture.
- (5) He could 'lead' if he would get the 'lead' out.
- (6) The soldier decided to 'desert' his 'dessert' in the 'desert.'
- (7) Since there is no time like the 'present,' he thought it was time to 'present' the 'present.'
- (8) A 'bass' fish was painted on the head of the 'bass' drum.
- (9) When shot at, the 'dove' 'dove' into the bushes.
- (10) I did not 'object' to the 'object'.
- (11) The insurance was 'invalid' for the 'invalid'.
- (12) There was a 'row' among the oarsmen about how to 'row'.
- (13) They were too 'close' to the door to 'close' it.
- (14) A buck 'does' funny things when 'does' are present.
- (15) A seamstress 'sewer' tripped and fell into a 'sewer' line.
- (16) To help with planting, the farmer used his 'sow' to 'sow'.
- (17) The 'wind' was too strong to 'wind' the sail.
- (18) Upon seeing the 'tear' in the painting, I shed a 'tear'.
- (19) I had to 'subject' the 'subject' to a series of tests.
- (20) How can I 'intimate' this to my most 'intimate' friend?

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18. Are Your Copies of Regulations Up to Date?

(Source: Editor)

The official versions of the following regulations are published annually in the U.S. Code of Federal Regulations (C.F.R.), but are updated as amended in the Federal Register. The latest amendments to applicable regulations are listed below.

* ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War

- Last Amendment: 15 Jan 2016: 81 FR 2657-2723: Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm.

* CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199

- Last Amendment: 12 Jun 2018: 83 FR 27380-27407: Air Cargo Advance Screening (ACAS)

* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

* EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774

- Last Amendments: 30 Aug 2018: [83 FR 44216-44228](#): Revisions to the Export Administration Regulations Based on the 2017 Missile Technology Control Regime Plenary Agreements

- * FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders

- Last Amendment: 29 June 2018: [83 FR 30541-30548](#): Global Magnitsky Sanctions Regulations; and [83 FR 30539-30541](#): Removal of the Sudanese Sanctions Regulations and Amendment of the Terrorism List Government Sanctions Regulations

- * FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30

- Last Amendment: 24 Apr 2018: [83 FR 17749-17751](#): Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).

- The latest edition (30 April 2018) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](#). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at www.FullCircleCompliance.eu.

- * HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2018: 19 USC 1202 Annex. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)

- Last Amendment: 14 Aug 2018: [Harmonized System Update 1812](#), containing 27 ABI records and 6 harmonized tariff records.

- HTS codes for AES are available [here](#).

- HTS codes that are not valid for AES are available [here](#).

- * INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130.

- Last Amendment: 30 Aug 2018: [83 FR 44228-44229](#), USML Chapter XI(c). - The only available fully updated copy (latest edition: 30 Aug 2018) of the ITAR with all amendments is contained in *Bartlett's*

- Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR contains all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by email, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a 25% discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

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19. Weekly Highlights of the Daily Bugle Top Stories

(Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of Daily Bugle Top Stories" posted [here](#).

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EDITORIAL POLICY

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Sent by jebartlett@fullcirclecompliance.eu

Message

From: Dearth, Anthony M [DearthAM@state.gov]
Sent: 9/1/2018 12:31:55 AM
To: PM-DDTC-Directors-DL [PM-DDTC-Directors-DL@state.gov]
Subject: Fwd: WTTOnline 09-03-18
Attachments: WTTOnline 09-03-18.pdf

V/R, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
U.S. Department of State
Phone: 202-663-2836

From: Meredith Gilston <mgilston@comcast.net>
Date: August 31, 2018 at 8:22:35 PM EDT
To: Dearth, Anthony M <DearthAM@state.gov>
Subject: WTTOnline 09-03-18

Dear Colleague,

Attached is the September 3, 2018, issue of Washington Tariff & Trade Letter. This week's issue includes articles on:

- * BIS Updates Controls on Missile Technology
- * U.S. Moves Forward on Bilateral NAFTA
- * Industry, Experts Respond Quickly to NAFTA Announcement
- * White House Allows Section 232 Country Exclusions
- * Legg Mason Settles SEC FCPA Charges
- * U.S. Takes Complaint over Russian Duties to WTO
- * Judge Blocks Posting of 3-D Gun Blueprints Again
- * Administration Adds Seasoning to \$12 Billion Tariff Relief
- * Justice Closes Two FCPA Cases Under New Policy
- * U.S. Still Opposes WTO Appellate Reappointment
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- * Briefs: Export Enforcement, Newsprint, Antiboycott

Sincerely,

Meredith Gilston
Editor



Vol. 38, No. 35

September 3, 2018

BIS Updates Controls on Missile Technology

In the Federal Register Aug. 30, Bureau of Industry and Security (BIS) implemented changes agreed at two 2017 meetings of the Missile Technology Control Regime (MTCR). Changes include revising 17 Export Control Classification Numbers (ECCNs), including new definitions and clarifying text. In all, Commerce estimates the rule will not change the number of annual BIS license requests, either because the change is not substantive or because the controlled item is not widely used or exported.

One change involves revising ECCN 9A515 by adding new language to control spacecraft thrusters for missile technology (MT) reasons. This final rule also revises the text to specify that the MT control applies to spacecraft thrusters controlled in that new paragraph when the total impulse capacity is equal to or greater than 8.41×10^5 . "These changes are needed to clarify which of the satellite thrusters are subject to the EAR," BIS said. Unlike other changes, these revisions are expected to result in an annual increase of 12 BIS license applications.

That clarification came from a previous final rule that moved these thrusters from the U.S. Munitions List (USML) (see **WTTL**, Jan. 16, 2017, page 8). "State has informed Commerce that it intends to clarify that the existing USML IV(d) paragraph does not control spacecraft thrusters, and that such thrusters are 'subject to the EAR.'"

In ECCN 9A610, BIS removed the term "drones" because the MTCR Annex does not use the term, other than stating that drones are a type of Unmanned Aerial Vehicles (UAVs), the agency noted. Changes to ECCN 9A101 would limit the control to "engines that are most likely to be used on MTCR controlled cruise missiles and unmanned aerial vehicles, and to remove controls from larger engines that are unlikely to be used on such systems."

U.S. Moves Forward on Bilateral NAFTA

After a week of intense talks with Canada, the U.S. Aug. 31 went forward with a bilateral trade agreement to replace NAFTA, notifying Congress of its intent to sign a trade

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agreement with Mexico “– and Canada, if it is willing –” in 90 days, in time for outgoing Mexican President Pena Nieto to sign it. Whether Congress will agree to a bilateral replacement of a trilateral deal remains to be seen.

Talks between USTR Robert Lighthizer and Canadian Foreign Minister Chrystia Freeland ended abruptly Aug. 31, but are scheduled to continue Sept. 5. “We have also been negotiating with Canada throughout this year-long process. This week those meetings continued at all levels. The talks were constructive, and we made progress. Our officials are continuing to work toward agreement,” the U.S. Trade Representative’s (USTR) office said in a statement.

Four days earlier, the administration announced with much hoopla a deal with Mexico to update NAFTA and a deadline to bring Canada along (see **WTTL**, Aug. 20, page 3). USTR quickly issued three fact sheets, using such action headlines as rebalancing, strengthening and modernizing the 25-year old trade deal.

One USTR fact sheet outlined the agreement on new rules of origin and origin procedures, including product-specific rules for passenger vehicles, light trucks, and auto parts. “This deal encourages United States manufacturing and regional economic growth by requiring that 75 percent of auto content be made in the United States and Mexico,” USTR said.

According to another, the new deal brought the labor chapter into the core of the agreement, making labor provisions “fully enforceable, and represents the strongest provisions of any trade agreement.” This language sounds very familiar to those who followed the Trans-Pacific Partnership (TPP) negotiations leading to the deal’s signing at the end of the Obama administration.

In addition, the environment chapter includes the “most comprehensive set of enforceable environmental obligations of any previous United States agreement, including obligations to combat trafficking in wildlife, timber, and fish; to strengthen law enforcement networks to stem such trafficking; and to address pressing environmental issues such as air quality and marine litter,” USTR said.

Another upgrade could be found in the new digital trade chapter – including a provision that would “ensure that data can be transferred cross-border, and that limits on where data can be stored and processed are minimized, thereby enhancing and protecting the global digital ecosystem,” a fact sheet noted.

However, the missing piece is Canada. Even at the conference call announcing the original deal on Monday, President Pena Nieto insisted Canada be a part of an eventual deal. “We’ll be waiting for Canada to be integrated into this process,” he said. “It is our wish... that now Canada will also be able to be incorporated in all this. And I assume that they going to carry out negotiations of the sensitive bilateral issues between Mexico — rather, between Canada and the United States,” Pena Nieto added.

Industry, Experts Respond Quickly to NAFTA Announcement

As expected, lawmakers on both sides of the aisle and in both houses weighed in after the deal's announcement. "I look forward to carefully analyzing the details of what has been agreed to and consulting with my colleagues and constituents to determine whether the new proposal meets the high-standard trade priorities set out by Congress under Trade Promotion Authority," House Ways and Means Committee Chair Kevin Brady (R-Texas) said in a statement Aug. 31.

"I also strongly urge Canada to step up and demonstrate that it can take on the ambitious obligations of the agreement with the aim of concluding a modern, seamless three-way agreement," he added.

Sen. Ron Wyden (D-Ore.) said earlier in the week: "NAFTA is an outdated agreement that needs a major overhaul, but there are a lot of details missing from today's announcement, and there are big unanswered questions as to where negotiations will go with Canada. Furthermore, the administration must follow the laws that I fought to pass to keep Congress and the public informed and give ample time to review any deal before votes are considered."

While the administration touted the new agreement to replace NAFTA as perhaps "the largest trade deal ever," observers, including former Obama administration economic advisor Austan Goolsbee, see it as making incremental changes to the existing deal. In addition, Goolsbee noted the new agreement's similarity to the TPP, from which President Trump withdrew soon after his inauguration.

"These are small - it's pretty insignificant things," Goolsbee said in an interview on NPR Aug. 31. "There's a couple of things on environmental that they agreed on, many of which it looked like they kind of just took from the Trans-Pacific Partnership, which the president pulled the U.S. out of, but was an agreement that both Canada and Mexico signed onto. So there was a natural kind of a portfolio of things that they could choose to update NAFTA with," he added.

Unions took a wait and see attitude. "This deal is more than just a labor chapter. Effective measures to stop the outsourcing of manufacturing to Mexico in many sectors, like auto, aerospace, service jobs and others, are of paramount importance. We will reserve final judgment on the value of this deal for working families until we can review the full and final text," AFL-CIO said in a statement Aug. 31.

Other trade experts also weighed in. "Dividing NAFTA into two separate deals could require the administration to restart the lengthy TPA process for the two separate negotiations with Canada and Mexico or forgo it and risk changes to the deals by Congress that Canada and Mexico might not accept," three scholars from the Center for Strategic & International Studies (CSIS) said in an email post.

White House Allows Section 232 Country Exclusions

Admitting what many in industry had argued for months, the administration Aug. 29 allowed companies to apply for product exclusions on steel from South Korea, Argentina, and Brazil, and aluminum from Argentina, all of whom have reached quota deals with the administration that exempt them from Section 232 tariffs.

“This proclamation provides the Department the same product exclusion authority for quotas that we already have for tariffs,” Commerce Secretary Wilbur Ross said in a statement the next day. Companies can apply for product exclusions based on insufficient quantity or quality available from U.S. steel or aluminum producers. In such cases, an exclusion from the quota may be granted and no tariff would be owed, Commerce noted.

At a hearing in July, House Ways and Means Committee trade subcommittee members raised this very issue, appearing to be just as frustrated with the unruly product exclusion process as those manufacturers dependent on steel and aluminum imports (see **WTTL**, July 30, page 9).

The White House proclamation explained further. “The quantitative limitations ...have in some cases already filled for this year, and that projects in the United States employing thousands of workers may be significantly disrupted or delayed because imports of specific steel articles, which were contracted for purchase prior to my decision to adjust imports of these articles, cannot presently be entered into the United States because the quantitative limits have already been reached,” it said.

Ways and Means Chairman Kevin Brady (R-Texas) welcomed the announcement. “I hope that these expansions to Commerce’s authority to issue product exclusions will make a real difference to the hundreds of U.S. companies in Texas and throughout the country that await a decision on their product exclusion requests. Now that these very helpful improvements are in place, I am confident that Commerce will continue to expedite and streamline the process using its existing authority to make relief broadly available and extend it where there are no objections.”

The Motor & Equipment Manufacturers Association (MEMA) called it a “win for motor vehicle parts suppliers” in a statement. “While there is still a need for improvement, these are good first steps in fixing a problematic process,” it added. In a letter to the trade subcommittee in August, MEMA called the exclusion process “onerous, expensive, and confusing,” adding that it was also “opaque, inconsistent, and inaccessible.”

Legg Mason Settles SEC FCPA Charges

The second shoe dropped Aug. 27 when Maryland-based investment management firm Legg Mason agreed to pay \$34 million in disgorgement and prejudgment interest to resolve a Securities and Exchange Commission (SEC) charge of violating the Foreign Corrupt Practices Act (FCPA) in a scheme to bribe Libyan government officials.

Between 2004 and 2010, a Legg Mason subsidiary, Permal Group Ltd., partnered with French financial services firm Societe Generale to solicit business from state-owned financial institutions in Libya. The firm and Societe Generale agreed in June to settle separate, but related Justice charges (see **WTTL**, June 11, page 3).

A Libyan intermediary in the scheme “used the term ‘cooking’ to describe his ability to cause Libyan government officials to invest with Société Générale and Permal by any means necessary, including bribes, threats, and intimidation,” the SEC order noted. “Legg Mason failed in a timely manner to devise and maintain an adequate system of internal accounting controls with respect to the Company’s widespread use of introducing brokers and other intermediaries in emerging markets, including Libya,” it added.

In June, Legg Mason entered into a non-prosecution agreement (NPA) and agreed to pay \$64.2 million, including a \$32.6 million penalty and \$31.6 million in disgorgement of profits. The SEC noted it was not imposing a civil penalty based on the agreement with Justice. At the time of that settlement, the company said that “the misconduct by former employees of the legacy Permal business that the government found was totally unacceptable. It violated our high standards, our long-held core values and our ‘no-chalk’ culture.”

U.S. Takes Complaint over Russian Duties to WTO

Add Russia to the list of World Trade Organization (WTO) members with which U.S. has launched formal dispute consultations over duties those countries imposed in response to U.S. Section 232 tariffs on steel and aluminum imports. The U.S. Aug. 20 claimed the additional duties applied by Russia on certain U.S. imports violate the country’s WTO commitments.

“Russia does not impose the additional duties measure on like products originating in the territory of any other WTO Member. Russia also appears to be applying rates of duty to U.S. imports greater than the rates of duty set out in Russia’s schedule of concessions,” the request said.

Russia filed a dispute complaint of its own in July with the U.S. over the steel and aluminum tariffs, the seventh launched by a WTO member. Two weeks later, the U.S. launched five separate WTO disputes against China, the European Union (EU), Canada, Mexico and Turkey (see **WTTL**, July 23, page 2).

Judge Blocks Posting of 3-D Gun Blueprints Again

A Seattle U.S. District Court judge Aug. 27 granted a preliminary injunction against the Trump administration’s settlement with Defense Distributed over posting of 3-D gun blueprints online. However, the organization found a loophole that the judge allowed, posting the blueprints for sale the day after the ruling.

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In a brief filed in court a week before, Justice argued that eight states' attorneys general and the District of Columbia are firing blanks, The "plaintiffs misunderstand the fundamental limit on the State Department's authority," the department said (see **WTTL**, Aug. 20, page 1).

The judge called that argument "wholly unpersuasive" in his latest ruling. "The federal defendants assert that, because the AECA [Arms Export Control Act] regulates the export of defense articles, a change in their regulatory stance cannot be the cause of the domestic effects of which plaintiffs complain. As discussed in the standing analysis, this argument ignores reality and is wholly unpersuasive," District Judge Robert S. Lasnik wrote.

In his ruling, the judge did not weigh in on the First Amendment argument, but said, "That right is currently abridged, but it has not been abrogated. Regulation under the AECA means that the files cannot be uploaded to the internet, but they can be emailed, mailed, securely transmitted, or otherwise published within the United States." Defense Distributed used that loophole to post the blueprints for sale the day after the ruling.

Administration Adds Seasoning to \$12 Billion Tariff Relief

A month after announcing \$12 billion in assistance for farmers impacted by retaliatory tariffs, the administration Aug. 27 added some details to the plan. While the original relief plan included broad contours, Agriculture (USDA) was tasked with finalizing the plan details.

In what some might call a drop in the feed bucket, the administration announced the assistance plan for farmers in July (see **WTTL**, July 30, page 4). Specifically, these programs will assist agricultural producers to meet the costs of disrupted markets, the department said: USDA's Farm Service Agency (FSA) will administer the Market Facilitation Program (MFP) to provide payments to corn, cotton, dairy, hog, sorghum, soybean and wheat producers starting Sept. 4.

In addition, USDA's Agricultural Marketing Service (AMS) will purchase up to \$1.2 billion in commodities unfairly targeted by unjustified retaliation. USDA's Food and Nutrition Service (FNS) will distribute these commodities through nutrition assistance programs and child nutrition programs. Lastly, \$200 million will be made available to identify and access new foreign markets for U.S. agricultural products through the Foreign Agricultural Service's (FAS) Agricultural Trade Promotion Program (ATP).

Farm groups welcomed the details. American Soybean Association President John Heisdorffer called the plan a "real shot in the arm" for growers in a statement. "This assistance will be particularly helpful to farmers who didn't forward-contract their crop earlier this year and who need to arrange financing for planting next year's crop," he added.

Other groups applauded the plan, but want more action from the administration. "While we're grateful and commend the administration for its action to help us, what pork

producers really want is to export more pork, and that means ending these trade disputes soon,” National Pork Producers Council (NPPC) President Jim Heimerl said. NPPC said pork producers would receive \$8 per hog based on 50% of the number of animals they owned on Aug. 1.

Justice Closes Two FCPA Cases Under New Policy

After months of silence, Justice announced it has declined to prosecute two companies under its recent Foreign Corrupt Practices Act (FCPA) Corporate Enforcement Policy. One, Insurance Corporation of Barbados Limited (ICBL), allegedly paid \$36,000 in bribes to a Barbadian government official in exchange for insurance contracts. The other, a United Kingdom (UK)-based manufacturer of broadband seismic instrumentation made payments to the director of a Korean earthquake research center.

After an 18-month pilot program to encourage cooperation in potential FCPA violations, Justice enshrined those tenets in a revised policy in November 2017 (see **WTTL**, Dec. 4, page 4).

In its declination letter to ICBL dated Aug. 23, Justice cited the bribes paid to Donville Inniss, a Barbadian government official, between August 2015 and April 2016. “In exchange for the bribes from the ICBL employees, Inniss leveraged his position as the Minister of Industry to enable the Barbadian insurance company to obtain two government contracts,” the letter noted.

“To conceal the bribes, Inniss, who is a U.S. legal permanent resident and maintains a residence in the United States, arranged to receive them through a U.S. bank account in the name of a dental company that was located in Elmont, New York, and owned by his friend who is a U.S. citizen. Inniss’ friend then assisted Inniss in further transferring portions of the bribes from the dental company bank account in New York to a bank account in the name of Inniss that was located in Tampa, Florida.”

Despite the “high-level involvement of corporate officers in the misconduct,” Justice closed the case for the following reasons: ICBL’s timely, voluntary self-disclosure; the company’s thorough and comprehensive investigation; its cooperation and its agreement to continue to cooperate; ICBL’s disgorgement agreement; the steps the firm has taken to enhance its compliance program and its internal accounting controls; its remediation, including but not limited to terminating all of the involved executives and employees; and “the fact that the department has been able to identify and charge the culpable individuals.”

Under the declination letter, ICBL agreed to disgorge \$93,940.19 in profits. “This letter does not provide any protection against prosecution of any individuals, regardless of their affiliation with ICBL. If the Department learns information that changes its assessment of any of the factors outlined above, it may reopen its inquiry,” Justice noted.

Three days earlier, Justice also issued a declination letter to Guralp Systems Limited (GSL) Aug. 20, closing its investigation into possible violations of the FCPA and U.S.

money laundering statutes resulting from GSL's payments to Heon-Cheol Chi, the director of the Earthquake Research Center at the Korea Institute of Geoscience and Mineral Resources, the letter noted.

In its declination letter, Justice cited these reasons: GSL's voluntary disclosure, significant remedial efforts and substantial cooperation. In addition, GSL is "the subject of an ongoing parallel investigation by the UK's Serious Fraud Office for violations of law relating to the same conduct and has committed to accepting responsibility for that conduct with the SFO," it noted.

U.S. Still Opposes WTO Appellate Reappointment

Amid reports that the administration is considering withdrawing from the WTO, its actions could simply chip away at the body's ability to settle disputes. At the monthly meeting of the WTO's Dispute Settlement Body (DSB) Aug. 27, the U.S. repeated its long-held opposition to the reappointment of Appellate Body member Shree Baboo Chekitan Servansing. Without it, the body will be down to its minimum of three members when Servansing's term ends Sept. 30.

The U.S. again noted its opposition was not the rejection of any one individual, but based on its longstanding concerns regarding abuse of the system. Most recently, in its 2018 trade policy report, USTR cited concerns including issuing rulings on antidumping and subsidy practices which go against the public interest to guard against unfair trade practices, issuing advisory opinions "not necessary to resolve the dispute," and its "decision to ignore the mandatory 90-day deadline for deciding appeals."

Also at the meeting, the DSB agreed to establish a panel to determine whether the EU complied with the WTO ruling in the dispute illegal subsidies provided for Airbus. The U.S. blocked EU's first request at a special meeting in August (see **WTTL**, Aug. 20, page 4). The EU claims it has removed the subsidies or taken appropriate steps to remove their adverse effects and is now in compliance with the WTO ruling; the U.S. disagrees.

The U.S. also blocked Korea's two first requests for panels to rule whether US safeguard measures on imported solar cells and imported large residential washers are compatible with WTO rules. Korea requested WTO dispute consultations in May (see **WTTL**, May 21, page 10). Unfortunately, these consultations were not fruitful, prompting Korea to request the establishment of a panel, a Geneva trade official noted.

Ex-Im Timely in Making Dual-Use Determinations, GAO Says

While the Export-Import Bank (Ex-Im) is generally monitoring dual-use exports on whether they comply with bank policies ahead of internal deadlines, some of those initial determinations lacked sufficient detail and needed clarification, according to a Govern-

ment Accountability Office (GAO) report (GAO-18-683R) released Aug. 30. This year, the bank again determined that dual-use exports under two financed transactions are used mostly for civilian purposes: fixed- and mobile-service satellites for the Mexican government, and construction equipment for the government of Cameroon. Ex-Im “received all documents from the government of Mexico on time and made a timely determination that Mexico was in compliance with the bank’s dual-use policy, but did not clearly document this determination until 3 months later,” the report said.

“In response to our questions noting that the email did not specify whether the certification was sufficient to make an annual dual-use compliance determination in accordance with the bank’s dual-use policy, the engineer issued a more comprehensive statement clarifying that the certification and supporting data were sufficient for this purpose and demonstrated that the primarily civilian use of the satellite terminals was compliant with the dual-use policy,” it added.

“The bank received the government of Cameroon’s annual end-use certification several days late and made a timely dual-use compliance determination for the Cameroon construction equipment,” it added. Ex-Im did not finance any new exports under its dual-use authority in fiscal year 2017 due to its lack of quorum.

* * * Briefs * * *

ELECTRONICS: In Federal Register Aug. 30, DDTC extended temporary controls on certain intelligence analytics software under USML Category XI (military electronics) by reinserting words “analyze and produce information from” and by adding software to description of items controlled in paragraph (b). Changes will be effective until Aug. 30, 2019. State in February published parallel notices of inquiry requesting public comments on USML categories V, X and XI (see **WTTL**, April 23, page 5).

EX-IM BANK: Senate Banking Committee Aug. 23 unanimously approved Kimberly Reed to lead Export-Import Bank (Ex-Im). Reed sailed through nomination hearing month before (see **WTTL**, July 23, page 11). Manufacturers immediately applauded vote. “We call on the Senate to confirm her as soon as possible,” Aerospace Industries Association tweeted same day. President “put forward a strong nominee and every senator who supports American manufacturing workers should support her nomination,” NAM President Jay Timmons tweeted.

MUSICAL CHAIRS: President Aug. 27 nominated Treasury official Marshall Billingslea to be under secretary of State for civilian security, democracy and human rights. Senate confirmed Billingslea to be Treasury assistant secretary for terrorist financing in 65-35 vote in June 2017 (see **WTTL**, June 26, 2017, page 9). Prior to Treasury, Billingslea was managing director for Deloitte Advisory and previously spent more than decade at Defense.

PAPER: U.S. Aug. 27 appealed WTO panel report in dispute with Canada over supercalendered (SC) paper. Panel in July report upheld many of Canada’s claims that U.S. countervailing duties (CVD) applied to SC paper imports and Commerce’s use of adverse facts available (AFA) were inconsistent with WTO rules (see **WTTL**, July 9, page 3).

ANTIBOYCOTT: N.Y.-based Citibank, NA agreed Aug. 2 to pay \$60,000 civil penalty to settle 20 violations of BIS antiboycott regulations. Company allegedly furnished information about business

relationships with boycotted countries or blacklisted persons from 2012 through March 2016 during transactions with Kuwait, Lebanon, Oman, Pakistan, Qatar and UAE. Bank voluntarily disclosed information concerning certain of its transactions to BIS, agency noted.

STEEL BAR: In 5-0 “sunset” vote Aug. 24, ITC said revoking antidumping duty orders on imports of stainless steel bar from India would renew injury to U.S. industry. At same time, commission said in 5-0 votes revoking antidumping duty orders on imports of stainless steel bar from Brazil, Japan and Spain would not renew injury to U.S. industry.

ZTE: Commerce Secretary Wilbur Ross Aug. 24 named Roscoe Howard, Jr. to be Special Compliance Coordinator (SCC) for ZTE deal (see **WTTL**, July 30, page 2). Howard is partner in Barnes & Thornburg’s litigation department in Washington office. He previously served as D.C. U.S. Attorney from 2001-2004 and has twice served as associate independent counsel under both Republican and Democrat presidents. SCC’s function will be to “coordinate, monitor, assess, and report on compliance with U.S. export control laws by ZTE, its subsidiaries, and affiliates worldwide,” Commerce said in press release.

NEWSPRINT: Print journalists rejoice. In 5-0 final vote Aug. 29, ITC found U.S. industry is not materially injured by dumped and subsidized imports of uncoated groundwood paper (newsprint) from Canada. Sen. Susan Collins (R-Maine) introduced bipartisan Protecting Rational Incentives in Newsprint Trade (PRINT) Act of 2018 (S.2835) in May to suspend import duties while Commerce examines industry. Department announced final affirmative determinations in August (see **WTTL**, Aug. 6, page 6).

EXPORT ENFORCEMENT: Indictment against Johnny Paul Tourino of Dana Point, Calif., owner of Spectra Equipment, Inc., was unsealed Aug. 17 in Santa Ana U.S. District Court on charges of conspiracy to procure and illegally ship export-controlled computer servers to Iran via UAE and Hong Kong from January 2014 through July 2017. Servers were controlled under ECCN 5A002.A for anti-terrorism and national security reasons. Tourino was arrested in February and released on \$100,000 bond. Trial is scheduled for March 2019.

MORE EXPORT ENFORCEMENT: Ghobad Ghasempour, Canadian national, was sentenced Aug. 20 in Seattle U.S. District Court to 42 months in prison followed by 3 years’ supervised release for conspiracy to unlawfully export U.S. dual-use goods to Iran between 2011 and 2017. He was arrested in March 2017 and has been in custody since. Ghasempour pleaded guilty in April 2018. Items included thin film measurement system (ECCN 3A999.f), inertial guidance system test table (ECCN 2B120) and two types of thermal imaging cameras (ECCNs 6A993 and 6A003).

TARIFFS: China Aug. 27 requested formal WTO consultations over additional U.S. Section 301 tariffs of 25% applied to \$16 billion in annual Chinese imports, claiming they are inconsistent with U.S. WTO commitments. China previously requested consultations over U.S. safeguard duties imposed on solar-cell imports and state-level incentives for using domestically sourced renewable energy products and technologies (see **WTTL**, Aug. 20, page 4).

ENTITY LIST: BIS in Federal Register Sept. 4 added 15 entities to Entity List under 17 entries in China, Hong Kong, Pakistan, Russia, Saudi Arabia, Turkey, United Arab Emirates (UAE) and United Kingdom. At same time, agency modified listing of two entries in Hong Kong and Russia and removed Top Electronics Components S.A., in Greece as “result of a request for removal.” Top Electronics was added to list in October 2012.

Appointment

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/4/2018 3:31:31 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Hess, Rachel [HessR@state.gov]

Subject: Cats I-III FRN Draft Review
Attachments: 20180904 Cat I-III FRN Clean.docx; 20180904 Cat I-III FRN with Track Changes.docx
Location: 13th Floor Director's Office and/or Conf Room

Start: 9/5/2018 3:00:00 PM
End: 9/5/2018 4:30:00 PM
Show Time As: Tentative

Recurrence: (none)


Team,

The CJ Team has booked the 13th Floor conference room from 10:30-11:30, so we can start our discussion in the Director's Office at 11:00 AM and then move it to the conference room after 11:30. I just reserved the conference room from 11:30-1:30, but I'm hoping this read-through won't take that long. Per Rob's request, attached are clean and red-lined versions of the FRN.

Best,
John

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/5/2018 1:02:30 PM
To: Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Hess, Rachel [HessR@state.gov]
Subject: Fwd: preview of I-III final preamble
Attachments: Cat I-III FR preamble.docx



Rob Hart
202.736.9221 | hartrl@state.gov

From: Rogers, Shana A
Sent: Wednesday, September 5, 2018 8:47:08 AM
To: Hart, Robert L; Heidema, Sarah J
Cc: Monjay, Robert; Noonan, Michael J; Foster, John A
Subject: RE: preview of I-III final preamble

Rob,





Thanks,
Shana

Official - SBU
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From: Hart, Robert L
Sent: Friday, August 31, 2018 2:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: preview of I-III final preamble


Sarah/Shana,


Thanks,
Rob
Official
UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/5/2018 1:44:34 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Hess, Rachel [HessR@state.gov]
Subject: RE: preview of I-III final preamble
Attachments: 20180905 Cats I-III FRN with L and DTCP Track Changes.docx; 20180905 Cats I-III FRN with L and DTCP Clean.docx



From: Hart, Robert L
Sent: Wednesday, September 5, 2018 9:03 AM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Hess, Rachel <HessR@state.gov>
Subject: Fwd: preview of I-III final preamble



Rob Hart
202.736.9221 | hartrl@state.gov

From: Rogers, Shana A
Sent: Wednesday, September 5, 2018 8:47:08 AM
To: Hart, Robert L; Heidema, Sarah J
Cc: Monjay, Robert; Noonan, Michael J; Foster, John A
Subject: RE: preview of I-III final preamble

Rob,




Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, August 31, 2018 2:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: preview of I-III final preamble

Sarah/Shana,





Thanks,
Rob
Official
UNCLASSIFIED

Message (Digitally Signed)

From: Mueller, Andrew J CIV DTSA LD (US) [andrew.j.mueller2.civ@mail.mil]
Sent: 9/5/2018 2:06:11 PM
To: Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
CC: Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]; Mai, Chieu N CIV DTSA LD (US) [chieu.n.mai.civ@mail.mil]
Subject: DOD comments on Cat I, II, III matrix
Attachments: Copy of Daoussi edits 20180829 - USML I-III Public Comments for DoD Inputs LATEST.xlsx; smime.p7s

Rob,
Here are our final comments.
Thank you.
Andy

Andrew Mueller
Licensing Directorate
Defense Technology Security Administration
4800 Mark Center Drive
Suite 07D23
Alexandria, VA 22350-1600
Tel: 571-372-2315
FAX: 571-372-7713

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/5/2018 7:47:17 PM
To: Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Hess, Rachel [HessR@state.gov]
Subject: RE: Revised Overseas Law Enforcement Personnel Para
Attachments: CAD file section edits.docx

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Monjay, Robert
Sent: Wednesday, September 5, 2018 3:30 PM
To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Hess, Rachel <HessR@state.gov>
Subject: RE: Revised Overseas Law Enforcement Personnel Para

Official
UNCLASSIFIED

From: Foster, John A
Sent: Wednesday, September 5, 2018 3:10 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Hess, Rachel <HessR@state.gov>
Subject: Revised Overseas Law Enforcement Personnel Para

Thanks,
John

From: Hart, Robert L
Sent: Wednesday, September 5, 2018 9:03 AM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Hess, Rachel <HessR@state.gov>
Subject: Fwd: preview of I-III final preamble

Rob Hart
202.736.9221 | hartrl@state.gov

From: Rogers, Shana A
Sent: Wednesday, September 5, 2018 8:47:08 AM
To: Hart, Robert L; Heidema, Sarah J
Cc: Monjay, Robert; Noonan, Michael J; Foster, John A
Subject: RE: preview of I-III final preamble

Rob,





Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, August 31, 2018 2:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: preview of I-III final preamble

Sarah/Shana,

Thanks,
Rob
Official
UNCLASSIFIED

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 9/6/2018 5:57:31 PM
To: Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]; Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; McKeeby, David I [McKeebyDI@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Fabry, Steven F [FabrySF@state.gov]
CC: PM-CPA [PM-CPA@state.gov]
Subject: RE: FLASH CLEARANCE - Status of Questions

Just following up on this, thanks.

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Paul, Joshua M
Sent: Wednesday, September 05, 2018 12:42 PM
To: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Hi, following up to check if L is ok with the proposed responses? Thanks.

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, August 27, 2018 12:30 PM
To: Hart, Robert L <HartRL@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Rob and Josh,

[REDACTED]

Thanks

Rob

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Hart, Robert L
Sent: Monday, August 27, 2018 12:21 PM
To: Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Fabry, Steven F <FabrySF@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: RE: FLASH CLEARANCE - Status of Questions

Some additional suggestions in green below.

Rob Hart

202.736.9221 | hartrl@state.gov

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Paul, Joshua M

Sent: Monday, August 27, 2018 10:57 AM

To: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Fabry, Steven F <FabrySF@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: RE: FLASH CLEARANCE - Status of Questions

Hi everyone,

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Davidson-Hood, Simon
Sent: Friday, August 03, 2018 4:01 PM

To: Paul, Joshua M <PaulJM@state.gov>

Cc: Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>

Subject: RE: FLASH CLEARANCE - Status of Questions

Hi Josh,

Yes, that works well.

Best,
SDH

Regulatory and Multilateral Affairs
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
Department of State
Tel: 202-663-2811
Mobile: [REDACTED]
Email: davidsonhoodS@state.gov
[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Paul, Joshua M

Sent: Friday, August 3, 2018 3:30 PM

To: Davidson-Hood, Simon <DavidsonHoodS@state.gov>

Cc: Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>

Subject: RE: FLASH CLEARANCE - Status of Questions

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Paul, Joshua M
Sent: Friday, August 03, 2018 3:29 PM
To: Davidson-Hood, Simon <DavidsonHoodS@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Davidson-Hood, Simon
Sent: Friday, August 03, 2018 3:20 PM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Hi Josh,

Best,
SDH

Regulatory and Multilateral Affairs
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
Department of State
Tel: 202-663-2811
Mobile: [REDACTED]
Email: davidsonhoodS@state.gov

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Paul, Joshua M
Sent: Friday, August 3, 2018 3:13 PM
To: Davidson-Hood, Simon <DavidsonHoodS@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

[REDACTED]

[REDACTED]

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Davidson-Hood, Simon
Sent: Friday, August 03, 2018 2:48 PM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Hi Josh,

[REDACTED]

Best,
SDH

Regulatory and Multilateral Affairs
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
Department of State
Tel: 202-663-2811
Mobile: [REDACTED]
Email: davidsonhoodS@state.gov

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Paul, Joshua M
Sent: Friday, August 3, 2018 11:43 AM

To: Rogers, Shana A <RogersSA2@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, August 03, 2018 10:45 AM
To: Davidson-Hood, Simon <DavidsonHoodS@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: FLASH CLEARANCE - Status of Questions

Simon, Sarah, Josh,
The attached are edited responses to questions sent our way yesterday in several different emails.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Davidson-Hood, Simon
Sent: Thursday, August 02, 2018 6:05 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>; McKeeby, David I <McKeebyDI@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>; Loucks, Alicia N <loucksan@state.gov>
Subject: FLASH CLEARANCE - Status of Questions

Hi Shana,

Emails

•

•

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

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[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

Best,
SDH

Regulatory and Multilateral Affairs
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
Department of State
Tel: 202-663-2811
Mobile: [REDACTED]
Email: davidsonhoodS@state.gov

[REDACTED]

Official - SBU
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/6/2018 6:29:47 PM
To: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]
Subject: Cats. I-III - combined revisions
Attachments: Cat I-III FR - FRN 3 (2).docx



Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
(202) 632-2788

Official
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/6/2018 7:17:16 PM
To: Foster, John A [FosterJA2@state.gov]; Monjay, Robert [MonjayR@state.gov]; PM-DTCP-RMA [PM-DTCP-RMA@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: Cats. I-III - combined revisions
Attachments: Cat I-III FR - FRN 3 (3).docx

Sarah,

[REDACTED]

[REDACTED]

MJN

Official
UNCLASSIFIED

From: Foster, John A
Sent: Thursday, September 6, 2018 3:03 PM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; PM-DTCP-RMA <PM-DTCP-RMA@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: Cats. I-III - combined revisions

[REDACTED]

From: Monjay, Robert
Sent: Thursday, September 6, 2018 2:54 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; PM-DTCP-RMA <PM-DTCP-RMA@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: Re: Cats. I-III - combined revisions

[REDACTED]

Thanks
Rob

Robert Monjay
202-663-2817 (office)

[REDACTED]

From: Hart, Robert L
Sent: Thursday, September 6, 2018 2:36:27 PM
To: Noonan, Michael J; PM-DTCP-RMA
Subject: RE: Cats. I-III - combined revisions

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Thursday, September 6, 2018 2:30 PM
To: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Cats. I-III - combined revisions

[REDACTED]

Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
(202) 632-2788

Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/7/2018 3:52:49 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: Cat I-III FR - FRN 3 (3) SJH edits
Attachments: Cat I-III FR - FRN 3 (3) SJH edits.docx

Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/7/2018 4:57:44 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: Cat I-III FR - FRN 3 (3) SJH edits
Attachments: Cat I-III FR - FRN 3 (3) SJH edits.docx

Official
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/7/2018 6:26:40 PM
To: Noonan, Michael J [NoonanMJ@state.gov]
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits
Attachments: Cat I-III FR - FRN 3 (3) SJH edits RLH RJM 2.docx

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Friday, September 7, 2018 2:18 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 7, 2018 2:15 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: FW: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

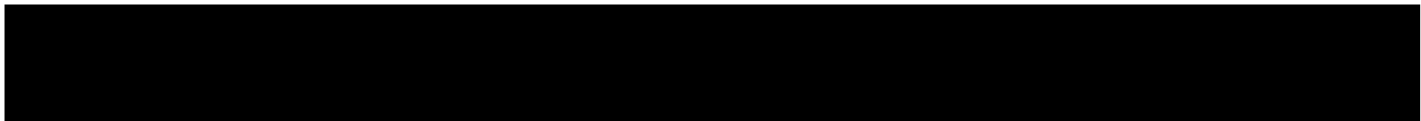
From: Heidema, Sarah J
Sent: Friday, September 7, 2018 12:58 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

Official
UNCLASSIFIED


Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/7/2018 6:48:16 PM
To: Hart, Robert L [HartRL@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits
Attachments: Cat I-III FR - FRN 4.docx



Official
UNCLASSIFIED


From: Hart, Robert L
Sent: Friday, September 7, 2018 2:27 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits



Rob Hart
202.736.9221 | hartrl@state.gov


Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Friday, September 7, 2018 2:18 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits



Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 7, 2018 2:15 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: FW: Cat I-III FR - FRN 3 (3) SJH edits




Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Friday, September 7, 2018 12:58 PM
To: Hart, Robert L <Hartrl@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: Cat I-III FR - FRN 3 (3) SJH edits



Official
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/7/2018 7:16:47 PM
To: Foster, John A [FosterJA2@state.gov]; Hart, Robert L [HartRL@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits
Attachments: Cat I-III FR - FRN 3 (3)-(4) write compare...docx; Cat I-III FR - FRN 4 - compare to proposed.docx

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Foster, John A
Sent: Friday, September 7, 2018 2:50 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

From: Noonan, Michael J
Sent: Friday, September 7, 2018 2:48 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

Official
UNCLASSIFIED


From: Hart, Robert L
Sent: Friday, September 7, 2018 2:27 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

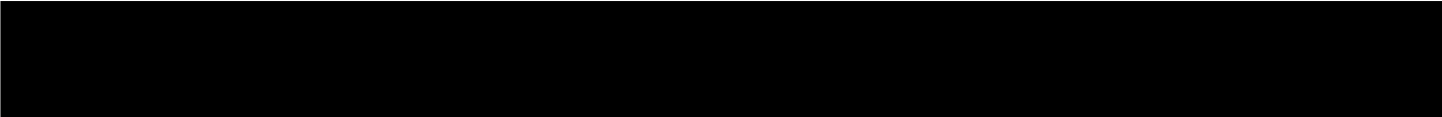
Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Friday, September 7, 2018 2:18 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cat I-III FR - FRN 3 (3) SJH edits



Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 7, 2018 2:15 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: FW: Cat I-III FR - FRN 3 (3) SJH edits




Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Friday, September 7, 2018 12:58 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: Cat I-III FR - FRN 3 (3) SJH edits



Official
UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/7/2018 8:00:24 PM
To: Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Shin, Jae E [ShinJE@state.gov]; Hamilton, Catherine E [HamiltonCE@state.gov]; Dearth, Anthony M [DearthAM@state.gov]; PM-CPA [PM-CPA@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Kottmyer, AliceM [KottmyerAM@state.gov]; Shufflebarger, Jamie [ShufflebargerJ@state.gov]; Ravi, Sunil K [RaviSK@state.gov]; Urena, Michael A [UrenaMA@state.gov]; PEUR Duty [P-EURDuty@state.gov]; Brechwald, Matthew J [BrechwaldMJ@state.gov]; Abisellan, Eduardo [AbisellanE@state.gov]; Darrach, Tamara A [DarrachTA@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; McClung, Gailyn W [McClungGW@state.gov]; Shinnick, Julianne [ShinnickJ@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Young, LaToya M [YoungLM2@state.gov]; Blaha, Charles O [BlahaCO@state.gov]
CC: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]
Subject: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: 20180524 - 83 FR 24198 - RIN 1400-AE30.pdf; Cat I-III FR - FRN 4.docx; Cat I-III FR - FRN 4 - redline.docx
Importance: High

Colleagues,

By way of background, on May 24, the Directorate of Defense Trade Controls (DDTC) published the attached notice of proposed rulemaking (NPRM) in the *Federal Register* (83 FR 24198) to amend the International Traffic in Arms Regulations (ITAR) to revise Categories I, II, and III of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. The articles removed from the USML as a result of this proposed rule would become subject to the jurisdiction of the Department of Commerce (DoC) under the Export Administration Regulations (EAR), which includes the Commerce Control List (CCL).

The NPRM requested public comments regarding the proposed revisions to USML Categories I, II, and III. DDTC reviewed the comments we received and made a number of revisions to the proposed rule text based on them. DDTC now plans to publish the attached final rule to amend the ITAR accordingly. DDTC has been in regular contact about this rule with colleagues at both the Defense Technology Security Administration (DTSA) and DoC, which intends to publish a companion final rule in the *Federal Register* to adopt the articles being removed from the USML onto the CCL.

we kindly request your clearance NLT

OOB Thursday, September 13,

DDTC has consulted extensively with a number of State Department offices, as well as with DTSA and DoC, about the rule's content and implementation, so we anticipate the attached final rule text will require minimal editing at this stage. **Please note that this document is approximately 75 pages long.**

Please note that we have attached both a clean version of the final rule and a redline version with track changes to help you readily identify the differences between the final rule and the NPRM that your offices reviewed previously. If you have questions about the final rule text or about the publication process, please feel free to email me.

Thanks,
 John

John A. Foster
 Office of Defense Trade Control Policy
 Bureau of Political-Military Affairs
 U.S. Department of State

Tel: 202-663-2816

Email: FosterJA2@state.gov

DEPARTMENT OF STATE

22 CFR Parts 121, 123, 124, 126, and 129

[Public Notice 10094]

RIN 1400-AE30

International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State (the Department) proposes to amend the International Traffic in Arms Regulations (ITAR) to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armament) and III (ammunition and ordnance) of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. Items removed from the USML would become subject to the Export Administration Regulations (EAR).

DATES: The Department will accept comments on this proposed rule until July 9, 2018.

ADDRESSES: Interested parties may submit comments within 45 days of the date of publication by one of the following methods:

- *Email:* DDTCTPublicComments@state.gov with the subject line, "ITAR Amendment—Categories I, II, and III."
- *Internet:* At www.regulations.gov, search for this notice using Docket DOS-2017-0046.

Comments received after that date will be considered if feasible, but consideration cannot be assured. Those submitting comments should not include any personally identifying information they do not desire to be made public or information for which a claim of confidentiality is asserted, because those comments and/or transmittal emails will be made available for public inspection and copying after the close of the comment period via the Directorate of Defense Trade Controls website at www.pmdtc.state.gov. Parties who wish to comment anonymously may do so by submitting their comments via www.regulations.gov, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself.

FOR FURTHER INFORMATION CONTACT: Robert Monjay, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2817; email DDTCTPublicComments@state.gov.

ATTN: Regulatory Change, USML Categories I, II, and III.

SUPPLEMENTARY INFORMATION: The Directorate of Defense Trade Controls (DDTC), U.S. Department of State, administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). The items subject to the jurisdiction of the ITAR, *i.e.*, "defense articles," are identified on the ITAR's U.S. Munitions List (USML) (22 CFR 121.1). With few exceptions, items not subject to the export control jurisdiction of the ITAR are subject to the jurisdiction of the Export Administration Regulations (EAR, 15 CFR parts 730 through 774, which includes the Commerce Control List (CCL) in Supplement No. 1 to part 774), administered by the Bureau of Industry and Security (BIS), U.S. Department of Commerce. Both the ITAR and the EAR impose license requirements on exports and reexports. The Department of Commerce is publishing a companion rule in this edition of the **Federal Register**.

Pursuant to section 38(a)(1) of the Arms Export Control Act (AECA), all defense articles controlled for export or import are part of the United States Munitions List under the AECA. All references to the USML in this rule, however, are to the list of AECA defense articles that are controlled for purposes of export or temporary import pursuant to the ITAR, and not to the list of AECA defense articles on the United States Munitions Import List (USMIL) that are controlled by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for purposes of permanent import under its regulations at 27 CFR part 447. References to the USMIL are to the list of AECA defense articles controlled by ATF for purposes of permanent import.

Section 38(b)(1)(A)(ii) of the AECA, requires, with limited exceptions, registration of persons who engage in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President as such under section 38(a)(1) and licensing for such activities. Through Executive Order 13637, the President delegated the responsibility for registration and licensing of brokering activities to the Department of State with respect to defense articles or defense services controlled either for purposes of export by the Department of State or for purposes of permanent import by ATF. Section 129.1(b) of the ITAR states this requirement. As such, all defense articles described in the USMIL or the USML are subject to the brokering controls administered by the

U.S. Department of State in part 129 of the ITAR. The transfer of defense articles from the ITAR's USML to the EAR's CCL for purposes of export controls does not affect the list of defense articles controlled on the USML under the AECA for purposes of permanent import or brokering controls for any brokering activity, including facilitation in their manufacture, export, permanent import, transfer, reexport, or retransfer. This rule proposes adding a new paragraph (b)(2)(vii) to § 129.2 to update the enumerated list of actions that are not considered brokering. This change is a conforming change and is needed to address the movement of items from the USML to the CCL that will be subject to the brokering controls, to ensure that the U.S. government does not impose a double licensing requirement on the export, reexport or retransfer of such items.

The Department of State is engaged in an effort to revise the U.S. Munitions List so that its scope is limited to those defense articles that provide the United States with a critical military or intelligence advantage or, in the case of weapons, are inherently for military end use. The articles now controlled by USML Categories I, II, and III that would be removed from the USML under this proposed rule do not meet this standard, including many items which are widely available in retail outlets in the United States and abroad.

Revision of Category I

This proposed rule revises USML Category I, covering firearms and related articles, to control only defense articles that are inherently military or that are not otherwise widely available for commercial sale. In particular, the revised category will not include non-automatic and semi-automatic firearms to caliber .50 (12.7mm) inclusive, currently controlled under paragraph (a), and all of the parts, components, accessories, and attachments specially designed for those articles. Such items will be subject to the new controls in Export Control Classification Numbers 0A501, 0A502, 0A503, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, and 0E502. Such controls in Category 0 of the CCL will be published in a separate rule by the Department of Commerce.

Paragraph (a) of USML Category I will cover firearms that fire caseless ammunition. Paragraph (b) will continue to cover fully automatic firearms to caliber .50 (12.7mm) inclusive. Paragraph (c) will cover firearms specially designed to integrate fire control, automatic tracking, or automatic firing systems, and all

weapons previously described in paragraph (c) that remain on the USML will be covered by paragraph (a), (b) or (c) of this category or by Category II. Paragraph (d) will cover fully automatic shotguns. Paragraph (e) will continue to cover silencers, mufflers, sound suppressors, and specially designed parts and components; flash suppressors will be subject to the EAR. Paragraph (f) will be reserved, as riflescopes and other firearms sighting devices may be controlled in USML Category XII if they have night vision or infrared capabilities, and other riflescopes will be subject to the EAR. Paragraph (g) will continue to cover barrels, receivers (frames), bolts, bolt carriers, slides, or sears, specially designed for the firearms in Category I. Paragraph (h) will cover high capacity (greater than 50 rounds) magazines, and parts and components to convert a semi-automatic firearm into a fully automatic firearm, and accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting. Paragraph (i) will continue to cover the technical data and defense services.

A new (x) paragraph will be added to USML Category I, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category I and are described in the purchase documentation submitted with the license application.

The note to Category I will be retained, with conforming revisions. A new second note will be added to clarify the terms "firearm," "fully automatic," and "caseless ammunition."

Revision of Category II

This proposed rule revises USML Category II, covering guns and armament, establishing a bright line between the USML and the CCL for the control of these articles.

Most significantly, paragraph (j), controlling parts and components, will be revised to enumerate the articles controlled therein.

Paragraph (a) will be revised to enumerate the articles controlled in that paragraph. The articles currently covered in paragraph (c) (apparatus and devices for launching or delivering ordnance) still warranting control on the ITAR will be included in new paragraph (a)(4). A new paragraph (a)(5) will be added for developmental guns and armaments funded by the Department of Defense and the specially designed parts and components of those developmental guns and armaments. The articles currently controlled in paragraph (f),

engines for self-propelled guns and howitzers in paragraph (a), will be on the CCL in ECCN 0A606. Tooling and equipment for the production of articles controlled in USML Category II, currently in paragraph (g), will be on the CCL in ECCN 0B602. Test and evaluation equipment, currently in paragraph (h), will be on the CCL in ECCN 0B602. Certain autoloading systems controlled in paragraph (i) will be moved to paragraphs (j)(9) and (11).

A new (x) paragraph will be added to USML Category II, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category II and are described in the purchase documentation submitted with the application.

Revision of Category III

This proposed rule revises USML Category III, covering ammunition and ordnance, to establish a bright line between the USML and the CCL for the control of these articles and to be consistent with the changes to Category I.

Most significantly, paragraphs (a) and (d) will be revised to remove broad catch-alls and enumerate the articles to be controlled therein. For example, paragraph (a), which controls ammunition for articles in USML Categories I and II, will be revised to specifically list the ammunition that it controls. A new paragraph (a)(10) will be added for developmental ammunition funded by the Department of Defense and the parts and components specially designed for such developmental ammunition. Ammunition not enumerated in paragraph (a) will be subject to the EAR. Likewise, revised paragraph (d), which controls parts and components, will enumerate the articles it controls; those articles not identified but currently captured via the catch-all will be subject to the EAR.

Additionally, paragraph (c), which controls production equipment and tooling, will be removed and placed into reserve. The articles currently covered by this paragraph will be subject to the EAR.

A new (x) paragraph will be added to USML Category III, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category III and are described in the purchase documentation submitted with the application.

Conforming ITAR Changes

Additionally, conforming changes will be made to several sections of the ITAR that refer to the current controls in USML Category I(a). These sections will be amended because they all refer to firearms that will be controlled on the CCL. Section 123.16(b)(2) will be revised to remove reference to the firearms exemptions at § 123.17(a) through (e), which describe the firearms exemptions, because the paragraphs will be removed as a consequence of the control of non-automatic and semi-automatic firearms on the CCL. For the same reason, § 123.16(b)(6) will be revised to describe only the remaining exemption at § 123.17 (personal protective gear), and § 123.16(b)(7) will be reserved. Section 123.17 will be amended to remove paragraphs (a) through (e), consistent with changes made to the USML. Section 123.18, as it describes exemptions for firearms that will be controlled for export by the Department of Commerce, will be removed and placed into reserve. Revision of § 124.14(c)(9) will remove the example of "sporting firearms for commercial resale." The policy guidance on Zimbabwe in § 126.1(s) will be revised to remove reference to the firearms exemption in § 123.17.

Section 129.1(b) of the ITAR will be revised to clarify that the regulations on brokering activities in part 129 apply to those defense articles and defense services designated as such on the USML and those items described on the USMIL (27 CFR 447.21). Section 129.4 of the ITAR will also be revised to clarify brokering requirements for items on the USMIL that are subject to the brokering requirements of the AECA. The items that will move to the CCL for export control purposes, yet are on the USMIL for permanent import purposes, remain subject to the brokering requirements of part 129 with respect to all brokering activities, including facilitation in their manufacture, export, permanent import, transfer, reexport, or retransfer. The revisions also clarify that foreign defense articles that are on the USMIL require brokering authorizations.

Request for Comments

The Department welcomes comments from the public and specifically requests input on the following matters:

(1) A key goal of this rulemaking is to ensure the USML and the CCL together control all the items that meet Wassenaar Arrangement commitments embodied in its Munitions List Categories 1, 2 and 3 (WA-ML1, WA-ML2 and WA-ML3). Readers are asked to identify any potential gap in coverage

brought about by the changes for USML Categories I, II and III contained in this notice and the new Category 0, 0x5zz ECCNs published separately by the Department of Commerce when reviewed together.

(2) The Department seeks to establish clear distinctions between the USML and the CCL for the control of firearms, large guns, armaments, ordnance and ammunition. The public should provide any specific examples of firearms (or parts, components, accessories thereof), large guns, armaments, ordnance or ammunition whose jurisdiction is unclear based on this revision.

(3) The Department has, in the past, adopted a delayed effective date of 180 days for rules revising entire categories of the USML and moving items to the CCL. The Department seeks to allow industry sufficient time to implement this rule, including time to make changes to IT systems, technology controls plans, and other business processes. The public should provide input on the time necessary to implement any final rule for these categories, as well as a description of any increased burden that, in the view of the commenter, would be imposed on businesses or individuals should this rule be adopted.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA). Although the Department is of the opinion that this proposed rule is exempt from the rulemaking provisions of the APA and without prejudice to its determination that controlling the import and export of defense services is a foreign affairs function, the Department is publishing this proposed rule with a 45-day provision for public comment.

Regulatory Flexibility Act

Since the Department is of the opinion that this proposed rule is exempt from the rulemaking provisions of 5 U.S.C. 553, it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This proposed amendment does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rulemaking has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). The Department believes that the benefits of this rulemaking largely outweigh any costs, in that many items currently controlled on the more-restrictive USML are being moved to the CCL. We request comment from the public on any impact that would be imposed on the public if this rule were adopted.

Executive Order 13563 emphasizes the importance of considering both benefits and costs, both qualitative and quantitative, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

The Department believes the effect of this proposed rule would decrease the number of license applications

submitted to the Department under OMB Control No. 1405-0003 by approximately 10,000 annually, for which the average burden estimates are one hour per form, which results in a burden reduction of 10,000 hours per year.

The Department of Commerce estimates that 4,000 of the 10,000 licenses that were required by the Department will be eligible for license exceptions or otherwise not require a separate license under the EAR. The Department of Commerce estimates that 6,000 transactions will require an individual validated license. The Department of Commerce will be collecting the information necessary to process license applications under OMB Control No. 0694-0088. The Department of Commerce estimates that OMB Control No. 0694-0088 takes approximately 43.8 minutes for a manual or electronic submission. The Department of Commerce estimates that the 6,000 licenses constitute a burden of 4,380 hours for this collection. The Department estimates a reduction in burden of 10,000 hours due to the proposed transition of these items to the Department of Commerce. The Department of Commerce estimates that the burden of submitting license applications for these items to the Department of Commerce will be 4,380 burden hours. Therefore, the net burden would be reduced by 5,620 hours. The Department estimates that the burden hour cost for completing a license application is \$44.94 per hour. Therefore, the estimated net reduction of 5,620 burden hours per year is estimated to result in annual burden hour cost reduction of \$252,562.80. There may also be other State Department forms that will no longer need to be submitted and that may further reduce the burden hours for applicants. The Department is seeking comments on the reduction from the other forms, as referenced below.

In addition to the reduction in burden hours, there will be direct cost savings to the State Department that would result from the 10,000 license applications no longer being required under the ITAR once these items are moved to the EAR. Pursuant to the AECA, ITAR, and associated delegations of authority, every person who engages in the business of brokering activities, manufacturing, exporting, or temporarily importing any defense articles or defense services must register with the Department of State and pay a registration fee. The Department of State adopted the current fee schedule to align the registration fees with the cost of licensing, compliance and other

related activities. The Department of Commerce would incur additional costs to administer these controls and process license applications. However, the Department of Commerce does not charge a registration fee to exporters under the EAR and we are unable to estimate the increase in costs to the Department of Commerce to process the new license applications. Therefore, we are unable to provide an estimate of the net change in resource costs to the government from moving these items from the ITAR to the EAR. It is the case, however, that the movement of these items from the ITAR would result in a direct transfer of \$2,500,000 per year from the government to the exporting public, less the increased cost to taxpayers, because they would no longer pay fees to the State Department and there is no fee charged by the Department of Commerce to apply for a license.

The Department welcomes comments from the public on the net reduction in burden described within this section, particularly if there are additional burden reductions that are not reflected here (please provide number of hours or cost) or if the estimates noted here appear otherwise inaccurate.

Estimated Cost Savings

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States government and that rules implementing this function are exempt from Executive Order 13771 (82 FR 9339, February 3, 2017). Although the Department is of the opinion that this proposed rule is exempt from E.O. 13771 and without prejudice to its determination that controlling the import and export of defense services is a foreign affairs function, this proposed rule is expected to be an E.O. 13771 deregulatory action. The Department has conducted this analysis in close consultation with the Department of Commerce. The total annual recurring dollar cost savings is estimated to be \$1,376,281 for purposes of E.O. 13771 for the Department of State.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not

impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number.

The Department of State believes there would be a reduction in burden for OMB Control No. 1405-0003, Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data. This form is an application that, when completed and approved by Department of State, constitutes the official record and authorization for the commercial export of unclassified U.S. Munitions List articles and technical data, pursuant to the AECA and ITAR. For an analysis of the reduction in burden for OMB Control No. 1405-0003, see the above Section for E.O. 12866. The Department of State requests comments on the collection of information or potential reduction in burden be sent also to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Department of State, at OIRA_Submission@omb.eop.gov or Attention: Desk Officer for Department of State, Office of Information and Regulatory Affairs of OMB, 725 17th St. NW, Washington, DC 20503.

List of Subjects in 22 CFR Parts 121, 123, 124, 126, and 129

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, parts 121, 123, 124, 126, and 129 are proposed to be amended as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; Pub. L. 105-261, 112 Stat. 1920; Section 1261, Pub. L. 112-239; E.O. 13637, 78 FR 16129.

■ 2. Section 121.1 is amended by revising U.S. Munitions List Categories I, II, and III to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category I—Firearms and Related Articles

*(a) Firearms using caseless ammunition.

*(b) Fully automatic firearms to .50 caliber (12.7 mm) inclusive.

*(c) Firearms specially designed to integrate fire control, automatic tracking, or automatic firing (e.g., Precision Guided Firearms (PGFs)), and specially designed parts and components therefor.

Note to paragraph (c): Integration does not include only attaching to the firearm or rail.

*(d) Fully automatic shotguns regardless of gauge.

*(e) Silencers, mufflers, and sound suppressors, and specially designed parts and components therefor.

(f) [Reserved]

(g) Barrels, receivers (frames), bolts, bolt carriers, slides, or sears specially designed for the articles in paragraphs (a), (b), and (d) of this category.

(h) Parts, components, accessories, and attachments, as follows:

(1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor;

(2) Parts and components specially designed for conversion of a semi-automatic firearm to a fully automatic firearm.

(3) Accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting, and specially designed parts and components therefor.

(i) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), (g), and (h) of this category and classified technical data directly related to items controlled in ECCNs 0A501, 0B501, 0D501, and 0E501 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

(j)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

Note 1 to Category I: Paragraphs (a), (b), (d), (e), (g), (h), and (i) of this category exclude: Any non-automatic or semi-

automatic firearms to .50 caliber (12.7 mm) inclusive; non-automatic shotguns; BB, pellet, and muzzle loading (e.g., black powder) firearms; and parts, components, accessories, and attachments of firearms and shotguns in paragraphs (a), (b), (d), and (g) of this category that are common to non-automatic firearms and shotguns. The Department of Commerce regulates the export of such items. See the Export Administration Regulations (15 CFR parts 730 through 774).

Note 2 to Category I: The following interpretations explain and amplify the terms used in this category:

(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the deflagration of propellant.

(2) A fully automatic firearm or shotgun is any firearm or shotgun which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(3) Caseless ammunition is firearm ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

Category II—Guns and Armament

(a) Guns and armament greater than .50 caliber (12.7 mm), as follows:

- * (1) Guns, howitzers, artillery, and cannons;
- * (2) Mortars;
- * (3) Recoilless rifles;
- * (4) Grenade launchers; or
- (5) Developmental guns and armament greater than .50 caliber (12.7 mm) funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(5): This paragraph does not control guns and armament greater than .50 caliber (12.7 mm) (a) in production, (b) determined to be subject to the EAR via a commodity jurisdiction determination (see § 120.4 of this subchapter), or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(5): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(5): This provision is applicable to those contracts or other funding authorizations that are dated (one year after publication of the final rule), or later.

Note 1 to paragraph (a): This paragraph does not include: Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) that are controlled on the CCL under ECCN 0A501; shotguns controlled on the CCL under ECCN 0A502; or black powder guns and armaments manufactured between 1890 and 1919 controlled on the CCL under ECCN 0A602.

Note 2 to paragraph (a): Guns and armament when integrated into their carrier (e.g., ships, ground vehicles, or aircraft) are controlled in the category associated with the carrier. Self-propelled guns and armament are controlled in USML Category VII. Towed guns and armament and stand-alone guns and armament are controlled under this category.

(b) Flame throwers with a minimum effective range of 20 meters.

(c) [Reserved]

* (d) Kinetic energy weapon systems specially designed for destruction or rendering mission-abort of a target.

Note to paragraph (d): Kinetic energy weapons systems include but are not limited to launch systems and subsystems capable of accelerating masses larger than 0.1g to velocities in excess of 1.6 km/s, in single or rapid fire modes, using methods such as: Electromagnetic, electrothermal, plasma, light gas, or chemical. This does not include launch systems and subsystems used for research and testing facilities subject to the EAR, which are controlled on the CCL under ECCN 2B232.

(e) Signature reduction devices specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category (e.g., muzzle flash suppression devices).

(f)–(i) [Reserved]

(j) Parts, components, accessories, and attachments, as follows:

(1) Gun barrels, rails, tubes, and receivers specially designed for the weapons controlled in paragraphs (a) and (d) of this category;

(2) Sights specially designed to orient indirect fire weapons;

(3) Breech blocks for the weapons controlled in paragraphs (a) and (d) of this category;

(4) Firing mechanisms for the weapons controlled in paragraphs (a) and (d) of this category and specially designed parts and components therefor;

(5) Systems for firing superposed or stacked ammunition and specially designed parts and components therefor;

(6) Servo-electronic and hydraulic elevation adjustment mechanisms;

(7) Muzzle brakes;

(8) Bore evacuators;

(9) Independently powered ammunition handling systems and platform interface components as follows:

(i) Mounts;

(ii) Carriages;

(iii) Gun pallets;

(iv) Hydro-pneumatic equilibration cylinders; or

(v) Hydro-pneumatic systems capable of scavenging recoil energy to power howitzer functions;

Note to paragraph (j)(9): For weapons mounts specially designed for ground vehicles, see Category VII.

(10) Recoil systems to mitigate the shock associated with the firing process of guns integrated into air platforms and specially designed parts and components therefor;

(11) Independent ammunition handling systems for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(12) Ammunition containers/drums, ammunition chutes, ammunition conveyor elements, and ammunition container/drum entrance and exit units, specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(13) Aircraft/gun interface units to support gun systems with a designed rate of fire greater than 100 rounds per minute and specially designed parts and components therefor;

(14) Prime power generation, energy storage, thermal management, conditioning, switching, and fuel-handling equipment, and the electrical interfaces between the gun power supply and other turret electric drive components specially designed for kinetic weapons controlled in paragraph (d) of this category;

(15) Kinetic energy weapon target acquisition, tracking fire control, and damage assessment systems and specially designed parts and components therefor; or

* (16) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(k) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), and (j) of this category and classified technical data directly related to items controlled in ECCNs 0A602, 0B602, 0D602, and 0E602 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

(l)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

Category III—Ammunition and Ordnance

*(a) Ammunition, as follows:

- (1) Ammunition that incorporates a projectile controlled in paragraph (d)(1) or (3) of this category;
- (2) Ammunition preassembled into links or belts;
- (3) Shotgun ammunition that incorporates a projectile controlled in paragraph (d)(2) of this category;
- (4) Caseless ammunition manufactured with smokeless powder;

Note to paragraph (a)(4): Caseless ammunition is ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

(5) Ammunition, except shotgun ammunition, based on non-metallic cases, or non-metallic cases that have only a metallic base, which result in a total cartridge mass 80% or less than the mass of a brass- or steel-cased cartridge that provides comparable ballistic performance;

(6) Ammunition employing pyrotechnic material in the projectile base and any ammunition employing a projectile that incorporates tracer materials of any type having peak radiance above 710 nm and designed to be observed primarily with night vision optical systems;

(7) Ammunition for fully automatic firearms or guns that fire superposed or stacked projectiles;

(8) Electromagnetic armament projectiles or billets for weapons with a design muzzle energy exceeding 5 MJ;

(9) Ammunition, not specified above, for the guns and armaments controlled in Category II; or

(10) Developmental ammunition funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(10): This paragraph does not control ammunition (a) in production, (b) determined to be subject to the EAR via a commodity jurisdiction determination (see § 120.4 of this subchapter), or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(10): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(10): This provision is applicable to those contracts or other

funding authorizations that are dated (one year after publication of the final rule), or later.

(b) Ammunition/ordnance handling equipment specially designed for the articles controlled in this category, as follows:

(1) Belting, linking, and de-linking equipment; or

(2) Fuze setting devices.

(c) [Reserved]

(d) Parts and components for the articles in this category, as follows:

(1) Projectiles that use pyrotechnic tracer materials that incorporate any material having peak radiance above 710 nm or are incendiary, explosive, steel tipped, or contain a core or solid projectile produced from one or a combination of the following: tungsten, steel, or beryllium copper alloys;

(2) Shotgun projectiles that are flechettes, incendiary, tracer, or explosive;

Note to paragraph (d)(2): This paragraph does not include explosive projectiles specially designed to produce noise for scaring birds or other pests (e.g., bird bombs, whistlers, crackers).

(3) Projectiles of any caliber produced from depleted uranium;

(4) Projectiles not specified above, guided or unguided, for the items controlled in USML Category II, and specially designed parts and components therefor (e.g., fuzes, rotating bands, cases, liners, fins, boosters);

(5) Canisters or sub-munitions (e.g., bomblets or minelets), and specially designed parts and components therefor, for the guns or armament controlled in USML Category II;

(6) Hardened cores, regardless of caliber, produced from one or a combination of the following: tungsten, steel, or beryllium copper alloy;

(7) Cartridge cases, powder bags, or combustible cases for the items controlled in USML Category II;

(8) Non-metallic cases, including cases that have only a metallic base, for the ammunition controlled in paragraph (a)(5) of this category;

(9) Cartridge links and belts for fully automatic firearms and guns controlled in USML Categories I or II;

(10) Primers other than Boxer, Berdan, or shotshell types;

Note to paragraph (d)(10): This paragraph does not control caps or primers of any type in use prior to 1890.

(11) Safing, arming, and fuzing components (to include target detection and proximity sensing devices) for the ammunition in this category and specially designed parts therefor;

(12) Guidance and control components for the ammunition in this

category and specially designed parts therefor;

(13) Terminal seeker assemblies for the ammunition in this category and specially designed parts and components therefor;

(14) Illuminating flares or target practice projectiles for the ammunition controlled in paragraph (a)(9) of this category; or

*(15) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(e) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles enumerated in paragraphs (a), (b), and (d) of this category and classified technical data directly related to items controlled in ECCNs 0A505, 0B505, 0D505, and 0E505 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.).

(f)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

Notes to Category III: 1. This category does not control ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

2. This category does not control cartridge and shell casings that, prior to export, have been rendered useless beyond the possibility of restoration for use as a cartridge or shell casing by means of heating, flame treatment, mangling, crushing, cutting, or popping.

3. Grenades containing non-lethal or less lethal projectiles are under the jurisdiction of the Department of Commerce.

* * * * *

PART 123—LICENSES FOR THE EXPORT OF DEFENSE ARTICLES

■ 3. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778,

2797); 22 U.S.C. 2753; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105–261, 112 Stat. 1920; Sec 1205(a), Pub. L. 107–228; Sec. 520, Pub. L. 112–55; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 4. Section 123.15 is amended by revising paragraph (a)(3) to read as follows:

§ 123.15 Congressional certification pursuant to Section 36(c) of the Arms Export Control Act.

(a) * * *

(3) A license for export of defense articles controlled under Category I paragraphs (a) through (g) of the United States Munitions List, § 121.1 of this subchapter, in an amount of \$1,000,000 or more.

* * * * *

■ 5. Section 123.16 is amended by revising paragraphs (b)(2) introductory text and (b)(6) and removing and reserving paragraph (b)(7) to read as follows:

§ 123.16 Exemptions of general applicability.

* * * * *

(b) * * *

(2) Port Directors of U.S. Customs and Border Protection shall permit the export of parts or components without a license when the total value does not exceed \$500 in a single transaction and:

* * * * *

(6) For exemptions for personal protective gear, refer to § 123.17.

* * * * *

■ 6. Section 123.17 is amended by revising the section heading, removing and reserving paragraphs (a) through (e), and revising paragraph (j) to read as follows:

§ 123.17 Exemption for personal protective gear.

* * * * *

(j) If the articles temporarily exported pursuant to paragraphs (f) through (i) of this section are not returned to the United States, a detailed report must be submitted to the Office of Defense Trade Controls Compliance in accordance with the requirements of § 127.12(c)(2) of this subchapter.

* * * * *

§ 123.18 [Removed and Reserved]

■ 7. Section 123.18 is removed and reserved.

PART 124—AGREEMENTS, OFF-SHORE PROCUREMENT, AND OTHER DEFENSE SERVICES

■ 8. The authority citation for part 124 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; 22 U.S.C. 2776; Section 1514, Pub. L. 105–261; Pub. L. 111–266; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 9. Section 124.14 is amended by revising paragraph (c)(9) to read as follows:

§ 124.14 Exports to warehouses or distribution points outside the United States.

* * * * *

(c) * * *

(9) Unless the articles covered by the agreement are in fact intended to be distributed to private persons or entities (e.g., cryptographic devices and software for financial and business applications), the following clause must be included in all warehousing and distribution agreements: “Sales or other transfers of the licensed article shall be limited to governments of the countries in the distribution territory and to private entities seeking to procure the licensed article pursuant to a contract with a government within the distribution territory, unless the prior written approval of the U.S. Department of State is obtained.”

* * * * *

PART 126—GENERAL POLICIES AND PROVISIONS

■ 10. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42 and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791 and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Section 7045, Pub. L. 112–74; Section 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 11. Section 126.1 is amended by revising paragraph(s) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(s) *Zimbabwe*. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in Zimbabwe,

except that a license or other approval may be issued, on a case-by-case basis, for the temporary export of firearms and ammunition for personal use by individuals (not for resale or retransfer, including to the Government of Zimbabwe).

* * * * *

PART 129—REGISTRATION AND LICENSING OF BROKERS

■ 12. The authority citation for part 129 continues to read as follows:

Authority: Section 38, Pub. L. 104–164, 110 Stat. 1437, (22 U.S.C. 2778); E.O. 13637, 78 FR 16129.

■ 13. Section 129.1 is amended by revising paragraph (b) to read as follows:

§ 129.1 Purpose.

* * * * *

(b) All brokering activities identified in this subchapter apply equally to those defense articles and defense services designated in § 121.1 of this subchapter and those items designated in 27 CFR 447.21 (U.S. Munitions Import List).

■ 14. Section 129.2 is amended by:

■ a. In paragraph (b)(2)(v), removing the word “or” at the end of the paragraph;

■ b. Removing the period at the end of paragraph (b)(2)(vi) and adding “; or” in its place; and

■ c. Adding paragraph (b)(2)(vii).

The addition reads as follows:

§ 129.2 Definitions.

* * * * *

(b) * * *

(2) * * *

(vii) Activities by persons to facilitate the export, reexport, or transfer of an item subject to the EAR that has been approved pursuant to a license or license exception under the EAR or a license or other approval under this subchapter.

* * * * *

■ 15. Section 129.4 is amended by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 129.4 Requirement for approval.

(a) * * *

(1) Any foreign defense article or defense service enumerated in part 121 of this subchapter (see § 120.44 of this subchapter, and § 129.5 for exemptions) and those foreign origin items on the U.S. Munitions Import List (see 27 CFR 447.21); or

(2) * * *

(i) Firearms and other weapons of a nature described by Category I(a) through (d), Category II(a) and (d), and Category III(a) of § 121.1 of this subchapter or Category I(a) through (c), Category II(a), and Category III(a) of the

U.S. Munitions Import List (*see* 27 CFR 447.21);

* * * * *

■ 16. Section 129.6 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 129.6 Procedures for obtaining approval.

* * * * *

(b) * * *

(3) * * *

(i) The U.S. Munitions List (*see* § 121.1 of this subchapter) or U.S. Munitions Import List (*see* 27 CFR 447.21) category and sub-category for each article;

* * * * *

[FR Doc. 2018-10366 Filed 5-21-18; 8:45 am]

BILLING CODE 4710-25-P

Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 9/10/2018 8:46:42 PM
To: Carter, Rachel [CarterR@state.gov]; PM-Strategy [PM-Strategy@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Brown, Stanley L [BrownSL@state.gov]; O'Keefe, Kevin P [OKeefeKP@state.gov]; Miller, Michael F [Millermf@state.gov]; Mak, Daniella [MakD@state.gov]; Martin, Davette T [MartinDT@state.gov]; Dudding, Maria [DuddingM@state.gov]; Litzenberger, Earle D (Lee) [LitzenbergerED@state.gov]; Nute, Kathryn M [NuteKM3@state.gov]; McVerry, James [James.Mcverry.ctr@dla.mil]; String, Marik A [StringMA@state.gov]; Phalen, Susan A [PhalenSA@state.gov]
Subject: CPA MEDIA MONITORING: 10 September, 2018

**Alerts for 10 September, 2018**

"US clears further E-2D Hawkeye package for Japan", Per DSCA figures released this summer, Tokyo has \$19.6 billion in active foreign military sales cases, including the F-35, the Aegis combat system, the KC-46 refueling tanker, the Global Hawk and the Osprey MV-22 tilt-rotor aircraft and the Hawkeye.

"State official predicts US weapon sales increase in 2019", According to numbers from the Defense Security Cooperation Agency, the U.S. has signed \$46.9 billion in weapons sales to foreign partners and allies, smashing past the \$41.9 billion figure from all of fiscal 2017. But Thompson points to new policies put forth earlier this year from the Trump administration, designed to encourage American arms exports and bolster domestic industry, as a factor that will have a direct impact next fiscal year.

"The War Over War Powers Heats Up in Congress", Trump appointments have been held up over other issues as well. Democratic Sen. Ed Markey last month announced his intention to block the nomination of R. Clarke Cooper for assistant secretary of state for political-military affairs until Trump agrees to reverse his decision allowing a company to publish instructions for 3D-printed guns. Ambassador Tina Kaidanow has been serving in this position in an acting role since February 2016, but she will soon be leaving the State Department to become the Pentagon's director of international cooperation.

"Is the US Ready to Stand Up for Taiwan Against China?", The bill authorizes the State Department to "downgrade U.S. relations with any government that takes adverse actions with regard to Taiwan, and authorizes the State Department to suspend or alter U.S. foreign assistance, including foreign military financing, to governments that take adverse actions with regard to Taiwan."

"Spain holds talks with Saudi Arabia over weapons deals", Shipbuilders in southern Spain have protested in recent days over fears that Saudi Arabia could scrap a separate \$2.1 billion purchase of warships in retaliation.

"Qatar meets with GCC chiefs of staff in Kuwait", The meeting, which came just one week after Kuwait's Emir Sabah Al Ahmed Al Sabah met with US President Donald Trump in Washington, will look to "promote a conjoined military action". Although not directly specified, this could relate to what has commonly been referred to as "Arab Nato".

"Colombia's ELN rebels say Duque conditions for peace talks 'unacceptable'", Colombia's ELN rebels said on Monday that President Ivan Duque's conditions for the continuation of peace talks, including that the guerrillas release all hostages, were "unacceptable", but that they intended to free captives anyway.

“European F-35 fighter jet users push to drive down operating costs”, The U.S. military and European operators of the radar-evading F-35 fighter jet have agreed to work together more closely to help lower the cost of operating the new warplanes as growing numbers arrive in Europe, officials said.

“Pacific islands new diplomatic battleground for China and the West”, There are just 2.3 million people living in the Pacific island countries, but the region is important for America’s Indo-Pacific strategy and it also has geopolitical significance for China. Six of the 11 nations have diplomatic ties with Taipei but Beijing is pushing for them to switch recognition – both sides have been trying to win favour by offering aid and support.

“The flawed reason for U.S. military aid cuts to Pakistan”, This latest cut to Pakistan’s coalition support fund, which is a program that allows the Department of Defense to use funds from its emergency response fund to reimburse coalition partners for logistical and operational support to U.S. military operations, is a not a surprise. In fact, the cuts are part of financial aid cuts announced in January 2018. Pakistan’s relatively muted reaction, however, also reflects the Khan administration’s foreign policy priorities, which include improving the relationship between the U.S. and Pakistan.

“Hudaida fighting leaves scores dead after Yemen talks fail”, The pro-government coalition, which includes Saudi and UAE air forces, has been pushing to close in on Hudaida, the entry point for some 70 percent of Yemen’s imports including food and aid, since June. The coalition Sunday was positioned to attempt to seize the main road linking Sanaa, the rebel-held capital, to the port city, a military official told AFP. The road is a key supply route for the Houthis.

“What 2+2 talks mean for India”, After being under consideration for more than a decade, the Modi government finally took the decisive action of signing COMCASA, which will enable the transfer of communication security equipment from the US to India, facilitating “interoperability” between the two defence forces as well as with other militaries that use US-origin systems for secured data links.

“Can China Bring Peace to Africa?”, China pledged that it would set up a China-Africa peace and security fund, provide free military aid to the African Union, and extend a total of 50 security assistance programs. This is an important announcement that would complement the \$200 million in support that China is already providing through the United Nations Secretary-General’s Peace and Security Trust Fund, which finances peace and security projects mostly in Africa in priority areas such as peacekeeping, counterterrorism, and capacity building to member states.

“Taliban Overruns Northern District, Kills Dozens of Afghan Troops”, During the past three days, the insurgents stepped up battlefield attacks across the country and have overrun territory and killed more than 80 personnel of the Afghan National Defense and Security Force (ANDSF) being trained and advised by the U.S. military.

“Israel’s Secret War Against Iran Is Widening”, Israel has carried out periodic strikes against the Syrian regime and Hezbollah targets throughout the country’s civil war. Starting this year, however, there has been a sharp increase in the frequency of such attacks and the commencement of the direct targeting of Iranian facilities and personnel. The imminent demise of the Syrian rebellion spurred this shift.

“Taiwan to Boost Military Budget for F-16 Upgrades”, Total cost for the upgrade of the 144 F-16s, known as the Phoenix Rising Project, is estimated at around \$5.3 billion. All the aircraft will be upgraded to the latest F-16 configuration, dubbed V for “Viper.” The F-16s will be retrofitted with advanced avionics including a new flight management system, a new active electronically scanned array fire-control radar, an enhanced electronic warfare system, and helmet-mounted display system, next to others.

“Angola: the “100 Women in Demining Project” mine hunters”, In Angola Eni, together with The HALO Trust, he started “100 Women in Demining Project”, a unique initiative that aims not only to remove the mines still

present on the territory but, at the same time, to empower local women . Using women's teams for the removal of the devices, in fact, allows women to have a training, a job and, above all, to be more and more independent.

“US recalls top diplomats after three Taipei allies in Latin America switch recognition to Beijing”, The US State Department said on Saturday that Robin Bernstein, the US ambassador to the Dominican Republic; Jean Manes, its ambassador to El Salvador; and Roxanne Cabral, the US chargé d'affaires in Panama, had been recalled “for consultations related to recent decisions to no longer recognise” the self-ruled island.

“Seventeen years after Sept. 11, Al Qaeda may be stronger than ever”, The group has amassed the largest fighting force in its existence. Estimates say it may have more than 20,000 militants in Syria and Yemen alone. It boasts affiliates across north Africa, the Levant and parts of Asia, and it remains strong around the Afghanistan-Pakistan border.

“Taiwan to form drone fleet to patrol its coastline”, The Tengyun drones have four weapon mounts compatible with the US-made AGM-114 Hellfire air-to-surface missiles. Such weapons are primarily used for precision strikes at targets within a range of 0.5 to eight kilometers. The new ARM drones can destroy an adversary’s radar systems, or the platforms on which they are installed.

“Syria’s Assad approves gas attack in Idlib despite warning, report says”, Reports of Assad's approval comes about a week after President Trump warned the strongman and his allies not to “recklessly attack” the province. Trump called any gas attack a potential “grave humanitarian mistake.”

“Marsden: U.S. foreign aid should be redirected to risk-taking companies”, Conventional wisdom has long held that a country has to first be stable before its economy can thrive. This kind of thinking results in endless U.S. funding for military training and advisers, with pitiful results, as we’ve long seen in both the Middle East and Africa.

“Washington Quietly Increases Lethal Weapons to Ukraine”, Both the danger of stoking tensions with Moscow and becoming too close to a regime in Kiev that exhibits disturbing features should caution the Trump administration against boosting military aid to Ukraine.

“Owner of Defense Firm Charged with Conspiracy to Defraud Department of Defense of \$7 Million. Violate Arms Export Control Act”, . In acquiring contracts, Gul routinely and unlawfully exported drawings and technical data, some of which was subject to U.S. export control laws, in order to secretly manufacture military parts in Turkey. Gul and his conspirators then fraudulently supplied those foreign-made parts to unwitting DoD customers in the United States.

Matthew Marquis

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Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/11/2018 4:43:46 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: FW: Reminder - Clearance Request by OOB Thursday - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Tuesday, September 11, 2018 12:41 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Foster, John A <FosterJA2@state.gov>
Subject: RE: Reminder - Clearance Request by OOB Thursday - Final Rule to Revise USML Categories I, II, and III

Rob,

[REDACTED]

[REDACTED]

Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Tuesday, September 11, 2018 12:27 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Foster, John A <FosterJA2@state.gov>
Subject: FW: Reminder - Clearance Request by OOB Thursday - Final Rule to Revise USML Categories I, II, and III
Importance: High

[REDACTED]

Thanks!

Rob Hart
202.736.9221 | hartrl@state.gov

Official

UNCLASSIFIED

From: Foster, John A**Sent:** Tuesday, September 11, 2018 12:11 PM**To:** Miller, Michael F <MillerMF@state.gov>; Shin, Jae E <ShinJE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>**Cc:** Hart, Robert L <HartRL@state.gov>**Subject:** Reminder - Clearance Request by OOB Thursday - Final Rule to Revise USML Categories I, II, and III**Importance:** High

Colleagues,

This is a friendly reminder to please clear the attached final rule NLT OOB this Thursday.Thanks,
John

From: Foster, John A**Sent:** Friday, September 7, 2018 4:00 PM**To:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Urena, Michael A <UrenaMA@state.gov>; P EUR Duty <P-EURDuty@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>**Cc:** PM-DTCP-RMA <PM-DTCP-RMA@state.gov>**Subject:** Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III**Importance:** High

Colleagues,

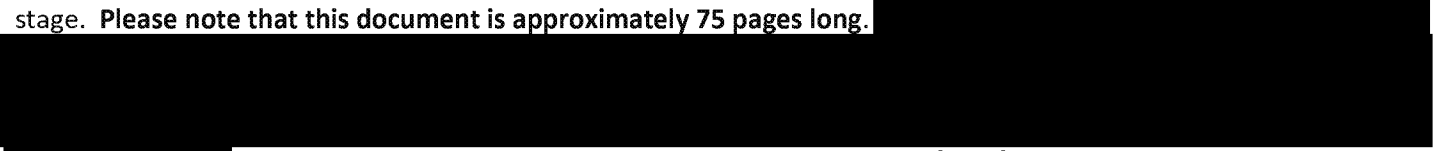
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OOB Thursday, September 13,

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Please note that we have attached both a clean version of the final rule and a redline version with track changes to help you readily identify the differences between the final rule and the NPRM that your offices reviewed previously. If you have questions about the final rule text or about the publication process, please feel free to email me.

Thanks,
John

John A. Foster

Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/12/2018 6:49:58 PM
To: Foster, John A [FosterJA2@state.gov]; Hart, Robert L [HartRL@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4.docx; Cat I-III FR - FRN 4 (LPM preivew 2).docx

John, Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,,
Shana

Official - SBU
UNCLASSIFIED

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[REDACTED]
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U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/12/2018 7:38:16 PM
To: Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4 - LPM preview 2, RMA consolidated comments thus far.docx

Rob Hart
202.736.9221 | hartrl@state.gov

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UNCLASSIFIED

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Sent: Wednesday, September 12, 2018 2:50 PM
To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
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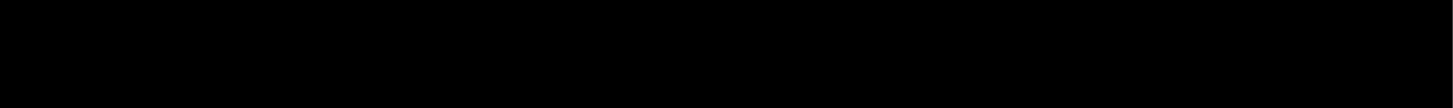

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/12/2018 9:09:39 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4 - LPM preview 2 RMA consolidated comments thus far MJN.docx



Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Wednesday, September 12, 2018 3:38 PM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III


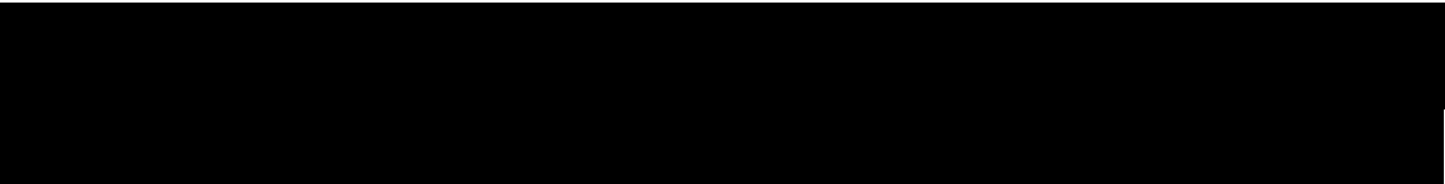




Rob Hart
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Official - SBU
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To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
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Office of Defense Trade Control Policy

Bureau of Political-Military Affairs

U.S. Department of State

Tel: 202-663-2816

Email: FosterJA2@state.gov

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/12/2018 11:04:41 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated comments thus far.docx

[REDACTED]

Official - SBU
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From: Noonan, Michael J
Sent: Wednesday, September 12, 2018 11:10 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

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From: Hart, Robert L
Sent: Wednesday, September 12, 2018 3:38 PM
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Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
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To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

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U.S. Department of State
Tel: 202-663-2816
Email: FosterIA2@state.gov

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From: Hart, Robert L [HartRL@state.gov]
Sent: 9/13/2018 12:44:54 AM
To: Rogers, Shana A [RogersSA2@state.gov]; Foster, John A [FosterJA2@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated.docx

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[REDACTED]

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Sent: 9/13/2018 1:52:41 PM
To: Hart, Robert L [HartRL@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: Cat I-III FR - FRN 4 (LPM preview) AK comments.docx

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Thursday, September 13, 2018 9:12 AM
To: Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: FW: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official
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From: Kottmyer, Alice M
Sent: Thursday, September 13, 2018 6:56 AM
To: Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Wednesday, September 12, 2018 10:54 PM
To: Hart, Robert L <HartRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Kottmyer, Alice M <KottmyerAM@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: Re: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

From: Hart, Robert L
Sent: Wednesday, September 12, 2018 8:44 PM
To: Rogers, Shana A; Foster, John A
Cc: Noonan, Michael J; Kottmyer, Alice M; Monjay, Robert
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

[REDACTED]

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Wednesday, September 12, 2018 2:50 PM
To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

John, Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,.
Shana

Official - SBU
UNCLASSIFIED

From: Foster, John A

Sent: Friday, September 7, 2018 4:00 PM

To: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Urena, Michael A <UrenaMA@state.gov>; P EUR Duty <P-EURDuty@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Importance: High

Colleagues,

By way of background, on May 24, the Directorate of Defense Trade Controls (DDTC) published the attached notice of proposed rulemaking (NPRM) in the *Federal Register* (83 FR 24198) to amend the International Traffic in Arms Regulations (ITAR) to revise Categories I, II, and III of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. The articles removed from the USML as a result of this proposed rule would become subject to the jurisdiction of the Department of Commerce (DoC) under the Export Administration Regulations (EAR), which includes the Commerce Control List (CCL).

The NPRM requested public comments regarding the proposed revisions to USML Categories I, II, and III. DDTC reviewed the comments we received and made a number of revisions to the proposed rule text based on them. DDTC now plans to publish the attached final rule to amend the ITAR accordingly. DDTC has been in regular contact about this rule with colleagues at both the Defense Technology Security Administration (DTSA) and DoC, which intends to publish a companion final rule in the *Federal Register* to adopt the articles being removed from the USML onto the CCL.

we kindly request your clearance NLT

OOB Thursday, September 13,

DDTC has consulted extensively with a number of State Department offices, as well as with DTSA and DoC, about the rule's content and implementation, so we anticipate the attached final rule text will require minimal editing at this stage. **Please note that this document is approximately 75 pages long.**

Please note that we have attached both a clean version of the final rule and a redline version with track changes to help you readily identify the differences between the final rule and the NPRM that your offices reviewed previously. If you have questions about the final rule text or about the publication process, please feel free to email me.

Thanks,

John

John A. Foster

Office of Defense Trade Control Policy

Bureau of Political-Military Affairs

U.S. Department of State

Tel: 202-663-2816

Email: FosterJA2@state.gov

Appointment

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/13/2018 8:13:09 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]
Subject: Discussion of Remaining Cats I-III FRN Comments
Location: DTCP Director's Office
Start: 9/17/2018 2:00:00 PM
End: 9/17/2018 3:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/13/2018 8:22:45 PM
To: Hart, Robert L [HartRL@state.gov]; Foster, John A [FosterJA2@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: 20180913_Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated LPM (....docx; 20180913_Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated LPM.docx



Rob,



Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Wednesday, September 12, 2018 8:45 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Wednesday, September 12, 2018 2:50 PM
To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

John, Rob,



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,.
Shana

Official - SBU
UNCLASSIFIED

From: Foster, John A

Sent: Friday, September 7, 2018 4:00 PM

To: Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Urena, Michael A <UrenaMA@state.gov>; P EUR Duty <P-EURDuty@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Importance: High

Colleagues,

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The NPRM requested public comments regarding the proposed revisions to USML Categories I, II, and III. DDTC reviewed the comments we received and made a number of revisions to the proposed rule text based on them. DDTC now plans to publish the attached final rule to amend the ITAR accordingly. DDTC has been in regular contact about this rule with colleagues at both the Defense Technology Security Administration (DTSA) and DoC, which intends to publish a companion final rule in the *Federal Register* to adopt the articles being removed from the USML onto the CCL.

[REDACTED]
[REDACTED] we kindly request your clearance NLT

OOB Thursday, September 13

DDTC has consulted extensively with a number of State Department offices, as well as with DTSA and DoC, about the rule's content and implementation, so we anticipate the attached final rule text will require minimal editing at this stage. **Please note that this document is approximately 75 pages long.** [REDACTED]

[REDACTED] **Please note that we have attached both a clean version of the final rule and a redline version with track changes to help you readily identify the differences between the final rule and the NPRM that your offices reviewed previously.** If you have questions about the final rule text or about the publication process, please feel free to email me.

Thanks,
John

John A. Foster

Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterIA2@state.gov

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/13/2018 8:46:12 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: Re: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

Robert Monjay
202-663-2817 (office)
[REDACTED] (mobile)

From: Hart, Robert L
Sent: Thursday, September 13, 2018 4:12:56 PM
To: Monjay, Robert
Subject: FW: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official - SBU (Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Thursday, September 13, 2018 7:20 AM
To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Cavnar, Anna <CavnarA@state.gov>
Subject: FW: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Rob and Sarah,

[REDACTED]

[REDACTED]

Many thanks,
Shana

Official - SBU (Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Soskin, Eric (CIV) <Eric.Soskin@usdoj.gov>

Sent: Wednesday, September 12, 2018 3:42 PM

To: Rogers, Shana A <RogersSA2@state.gov>

Cc: Myers, Steven A. (CIV) <Steven.A.Myers@usdoj.gov>; Robinson, Stuart J. (CIV) <Stuart.J.Robinson@usdoj.gov>

Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Shana,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Eric (and Steve and Stuart)

From: Rogers, Shana A [<mailto:RogersSA2@state.gov>]
Sent: Monday, September 10, 2018 11:57 AM
To: Robinson, Stuart J. (CIV) <strobins@CIV.USDOJ.GOV>
Cc: Myers, Steven A. (CIV) <stmyers@CIV.USDOJ.GOV>; Swingle, Sharon (CIV) <sswingle@CIV.USDOJ.GOV>; Walters, Tyce R. (CIV) <tywalters@CIV.USDOJ.GOV>
Subject: FW: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Importance: High

Stuart,

Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Foster, John A
Sent: Friday, September 07, 2018 4:00 PM
To: Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Urena, Michael A <UrenaMA@state.gov>; P EUR Duty <P-EURDuty@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Importance: High

Colleagues,

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rule with colleagues at both the Defense Technology Security Administration (DTSA) and DoC, which intends to publish a companion final rule in the *Federal Register* to adopt the articles being removed from the USML onto the CCL.

[REDACTED]
[REDACTED] we kindly request your clearance NLT

OOB Thursday, September 13, [REDACTED]

DDTC has consulted extensively with a number of State Department offices, as well as with DTSA and DoC, about the rule's content and implementation, so we anticipate the attached final rule text will require minimal editing at this stage. **Please note that this document is approximately 75 pages long.** [REDACTED]

[REDACTED] **Please note that we have attached both a clean version of the final rule and a redline version with track changes to help you readily identify the differences between the final rule and the NPRM that your offices reviewed previously.** If you have questions about the final rule text or about the publication process, please feel free to email me.

Thanks,
John

John A. Foster
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/13/2018 8:47:13 PM
To: Kottmyer, Alice M [KottmyerAM@state.gov]
CC: Rogers, Shana A [RogersSA2@state.gov]; Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: Responses to L/M comments on Cats I-III
Attachments: Cat I-III FR - FRN 4 (LPM preview) AK comments + JAF RLH Responses.docx

Alice,

[REDACTED]

[REDACTED]

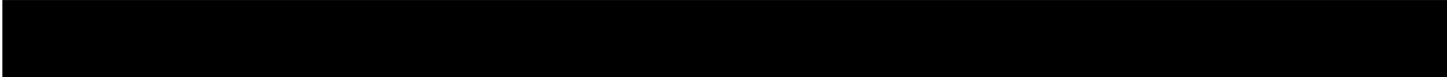

Thanks,

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED


Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/13/2018 9:01:42 PM
To: Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: FW: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III
Attachments: 20180913_Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated LPM (....docx; 20180913_Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated LPM.docx



Thanks,

Rob Hart

 hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Thursday, September 13, 2018 4:23 PM
To: Hart, Robert L <HartRL@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Rob,



Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Wednesday, September 12, 2018 8:45 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

[REDACTED]

[REDACTED]

Thanks,

Rob Hart

[REDACTED] | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A

Sent: Wednesday, September 12, 2018 2:50 PM

To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>

Cc: Noonan, Michael J <NoonanMJ@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>

Subject: RE: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

John, Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,.
Shana

Official - SBU
UNCLASSIFIED

From: Foster, John A

Sent: Friday, September 7, 2018 4:00 PM

To: Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Urena, Michael A <UrenaMA@state.gov>; P EUR Duty <P-EURDuty@state.gov>; Brechwald, Matthew J <BrechwaldMJ@state.gov>;

Abisellan, Eduardo <AbisellanE@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Shinnick, Julianne <ShinnickJ@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Blaha, Charles O <BlahaCO@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance Request by OOB 9/13 - Final Rule to Revise USML Categories I, II, and III

Importance: High

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we kindly request your clearance NLT

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Thanks,
John

John A. Foster

Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/13/2018 9:48:46 PM
To: Foster, John A [FosterJA2@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: FW: Responses to L/M comments on Cats I-III
Attachments: 20180913_Cat I-III FR - FRN 4 - RJM LPM preview 2 RMA consolidated LPM (.._ - MJN.docx

Mr. Foster —



Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Thursday, September 13, 2018 4:47 PM
To: Kottmyer, Alice M <KottmyerAM@state.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: Responses to L/M comments on Cats I-III

Alice,




Thanks,

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/14/2018 3:36:54 PM
To: Monjay, Robert [MonjayR@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: Cats I-III updated doc
Attachments: Cat I-III FR - FRN 5.docx
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/14/2018 6:15:36 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Cats I-III updated doc
Attachments: Cat I-III FR - FRN 5 +MJN.docx

Rob,

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 11:37 AM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: Cats I-III updated doc
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/14/2018 6:53:39 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Cats I-III updated doc
Attachments: Cat I-III FR - FRN 5 RLH JAF MJN.docx

[REDACTED]

Rob Hart

[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Friday, September 14, 2018 2:16 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc

Rob,

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 11:37 AM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: Cats I-III updated doc
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/14/2018 7:07:08 PM
To: Rogers, Shana A [RogersSA2@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: latest I-III
Attachments: Cat I-III FR - FRN 5 RLH JAF MJN.docx

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Appointment

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/17/2018 1:47:13 PM
To: Foster, John A [FosterJA2@state.gov]

Subject: Accepted: Discussion of Remaining Cats I-III FRN Comments
Location: DTCP Director's Office

Start: 9/17/2018 5:00:00 PM
End: 9/17/2018 6:00:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/17/2018 4:46:31 PM
To: Hart, Robert L [HartRL@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: latest I-III
Attachments: 20180917_Cat I-III FR - FRN 5 RLH JAF MJN LPM.docx

Rob,

[REDACTED]

[REDACTED]

Shana

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 3:07 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: latest I-III

[REDACTED]

[REDACTED]

[REDACTED]

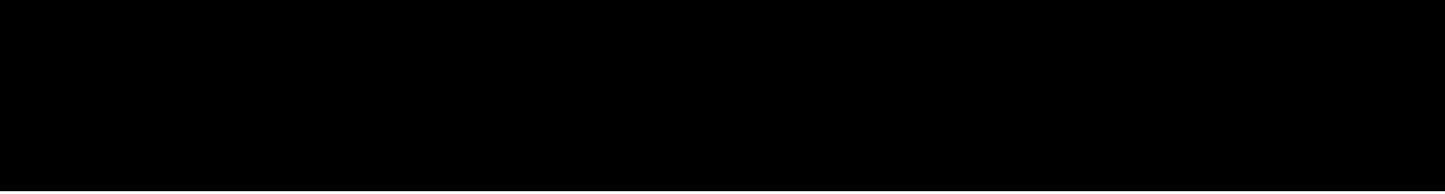
Thanks,

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED


Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/17/2018 4:49:13 PM
To: Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Cats I-III updated doc
Attachments: Cat I-III FR - FRN 5 RLH JAF MJN RJM.docx



Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 2:54 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc



Rob Hart
 | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Friday, September 14, 2018 2:16 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc

Rob,




Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 11:37 AM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: Cats I-III updated doc

Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/17/2018 4:57:12 PM
To: Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: Cats I-III updated doc

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Monday, September 17, 2018 12:57 PM
To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, September 17, 2018 12:49 PM
To: Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, September 14, 2018 2:54 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: Cats I-III updated doc

[REDACTED]

Rob Hart

[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J

Sent: Friday, September 14, 2018 2:16 PM

To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: Cats I-III updated doc

Rob,

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L

Sent: Friday, September 14, 2018 11:37 AM

To: Monjay, Robert <MonjayR@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: Cats I-III updated doc

Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division

Department of State | Directorate of Defense Trade Controls

 hartrl@state.gov

Official

UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/17/2018 5:56:44 PM
To: Hart, Robert L [HartRL@state.gov]
Attachments: 20180917_Cat I-III FR - FRN 5 RLH JAF MJN LPM RJM.docx

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov
[REDACTED]

Official - SBU
UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/17/2018 5:58:17 PM
To: Noonan, Michael J [NoonanMJ@state.gov]
Subject: FW:
Attachments: 20180917_Cat I-III FR - FRN 5 RLH JAF MJN LPM RJM.docx

Official - SBU

UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, September 17, 2018 1:57 PM
To: Hart, Robert L <HartRL@state.gov>
Subject:

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov
[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/17/2018 6:00:35 PM
To: Noonan, Michael J [NoonanMJ@state.gov]
Subject: FW:
Attachments: 20180917_Cat I-III FR - FRN 5 RLH JAF MJN LPM RJM.docx

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, September 17, 2018 1:58 PM
To: Noonan, Michael J <NoonanMJ@state.gov>
Subject: FW:

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, September 17, 2018 1:57 PM
To: Hart, Robert L <HartRL@state.gov>
Subject:

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov
[REDACTED]

Official - SBU
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/17/2018 9:13:07 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: I-III FRN 6
Attachments: Cat I-III FR - FRN 6.docx

Sarah,



Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
(202) 632-2788

Official
UNCLASSIFIED

Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 9/18/2018 4:57:57 PM
To: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]; Legal-PM-DL [Legal-PM-DL@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Miller, Michael F [MillerMF@state.gov]
Subject: CPA Media Monitoring: Guns.com: 3D printed gun advocates expand lawsuit, name more officials as defendants



3D printed gun advocates expand lawsuit, name more officials as defendants

By Chris Eger

18 September 2018

Crypto- and free-market anarchist Cody Wilson, allied with a gun rights group, is expanding the reach of their federal lawsuit over legal protections for 3D printed gun files.

Currently fighting a coalition of national gun control groups and attorneys general from over a score of states seeking to block the distribution of downloadable 3D printed gun files in a Seattle federal court, Wilson and the Second Amendment Foundation have added New York Gov. Andrew Cuomo, Pennsylvania Gov. Thomas Wolf, Delaware Attorney General Matthew Denn, and Pennsylvania Attorney General Josh Shapiro to their countersuit filed in a Texas federal court.

SAF founder Alan Gottlieb described the case as rooted in the First Amendment. “What these public officials are attempting is an unconstitutional exercise of prior restraint,” Gottlieb said. “They are trying to prevent Defense Distributed and its founder, Cody Wilson, from exercising free speech.”

The Texas-based lawsuit was filed in July against New Jersey Attorney General Gurbir Grewal and L.A. City Attorney Michael Feuer, who sought to close off access to the files by those in their respective jurisdictions. In the challenge, attorneys for DefDist argued that the effort by Grewal and Feuer illegally interferes with the company’s lawful business under the Dormant Commerce Clause, which restricts the powers of states to get involved in federally-protected interstate commerce.

For his part, Feuer on Monday filed a motion to dismiss the suit, calling it a “retaliatory, frivolous” action. At the same time, Grewal has called on federal officials to take steps to ensure that the files are not available to anyone, citing original action by the U.S. State Department to limit access to them under a 1970s-era international arms control program.

Currently barred from giving the files away for free on his DefCAD site, Wilson late last month began selling the plans on a “pay anything” model, saying, “I’m happy now to become the iTunes of downloadable guns if I can’t be the Napster.” According to on-site tickers, the files have been ordered over 20,000 times.

Meanwhile, the New Jersey Assembly Judiciary Committee approved a bill Monday making it a felony to produce 3D-printed guns or purchase parts to build such a gun, sending it to the full Assembly for a vote. Likewise, Washington D.C. Mayor Muriel E. Bowser (D) introduced legislation on Monday to ban both 3D-printed plastic guns and so-called “ghost guns” from the nation’s capital. At least six bills are pending in Congress on the subject of 3D-printed guns.

Link: <https://www.guns.com/2018/09/18/3d-printed-gun-advocates-expand-lawsuit-name-more-officials-as-defendants/>

Matthew Marquis

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.6968

e-mail: MarquisMR@state.gov | Web: www.state.gov/t/pm/ | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Official

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Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/18/2018 5:45:46 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: I-III
Attachments: Cat I-III FR - FRN 6 clean - fixes for inclusion with SH edits.docx


[REDACTED]

Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
[REDACTED]

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/18/2018 7:13:44 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: I-III FRN 6
Attachments: Cat I-III FR - FRN 6 (LPM).docx



Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Monday, September 17, 2018 5:13 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: I-III FRN 6

Sarah,



Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)



Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/18/2018 8:02:03 PM
To: Rogers, Shana A [RogersSA2@state.gov]
Subject: Fwd: Cat I-III FR - FRN 6
Attachments: Cat I-III FR - FRN 6.docx


Get [Outlook for iOS](#)

From: Heidema, Sarah J <heidemasj@state.gov>
Sent: Tuesday, September 18, 2018 1:18 PM
To: Hart, Robert L
Cc: Foster, John A; Monjay, Robert; Noonan, Michael J
Subject: Cat I-III FR - FRN 6



Official
UNCLASSIFIED

Appointment

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/18/2018 9:00:57 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Rogers, Shana A [RogersSA2@state.gov]
Subject: I-III Table Read
Attachments: Cat I-III FR - FRN 7.docx
Location: 13th floor

Start: 9/19/2018 1:30:00 PM
End: 9/19/2018 3:00:00 PM
Show Time As: Tentative

Recurrence: (none)

[REDACTED]

[REDACTED]

Appointment

From: Hart, Robert L [HartRL@state.gov]

Sent: 9/18/2018 9:00:57 PM

To: Ross, Paula E [RossPE@state.gov]

Subject: I-III Table Read

Attachments: Cat I-III FR - FRN 7.docx

Location: 13th floor

Start: 9/19/2018 1:30:00 PM


End: 9/19/2018 3:00:00 PM

Show Time As: Tentative


Recurrence: (none)

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/18/2018 9:03:18 PM
To: Rogers, Shana A [RogersSA2@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: I-III FRN 6
Attachments: Cat I-III FR - FRN 6 clean - items articles.docx



From: Rogers, Shana A
Sent: Tuesday, September 18, 2018 3:14 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: I-III FRN 6



Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Monday, September 17, 2018 5:13 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: I-III FRN 6

Sarah,



Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
(202) 632-2788

Official
UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/18/2018 11:12:18 PM
To: Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Foster, John A [FosterJA2@state.gov]
Subject: RE: I-III FRN 6
Attachments: Cat I-III FR - FRN 7 RJM.docx

[REDACTED]

[REDACTED]

Thanks
Rob

Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Tuesday, September 18, 2018 5:05 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: I-III FRN 6

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Noonan, Michael J
Sent: Tuesday, September 18, 2018 5:03 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: I-III FRN 6

[REDACTED]

From: Rogers, Shana A
Sent: Tuesday, September 18, 2018 3:14 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: I-III FRN 6

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Monday, September 17, 2018 5:13 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: I-III FRN 6

Sarah,

Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
(202) 632-2788

Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/19/2018 2:02:32 PM
To: Noonan, Michael J [NoonanMJ@state.gov]
Subject: Document3
Attachments: Document3.docx

Official
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/19/2018 5:45:28 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]; Rogers, Shana A [RogersSA2@state.gov]
Subject: I-III version 8 - post table read 09.19
Attachments: Cat I-III FR - FRN 8.docx

Sarah,


[REDACTED]

Michael Noonan

Department of State
Directorate of Defense Trade Controls (PM/DDTC/DTCC)
Compliance Specialist (Henderson Group Contractor)
[REDACTED]

Message


From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/19/2018 7:36:08 PM
To: Rogers, Shana A [RogersSA2@state.gov]; Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8.docx




Official
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 9/19/2018 8:16:17 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8 + 3D CAD + MJN.docx




From: Hart, Robert L
Sent: Wednesday, September 19, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8



Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Wednesday, September 19, 2018 3:36 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8



Official
UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/19/2018 8:30:56 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8 (LPM).docx

[REDACTED]

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 4:17 PM
To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Hart, Robert L
Sent: Wednesday, September 19, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Wednesday, September 19, 2018 3:36 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Official
UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/19/2018 8:47:12 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8 + 3D CAD + MJN + JAF.docx

[REDACTED]

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 4:43 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

Rob,

[REDACTED]

[REDACTED]

[REDACTED]

From: Rogers, Shana A
Sent: Wednesday, September 19, 2018 4:31 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 4:17 PM
To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Hart, Robert L
Sent: Wednesday, September 19, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Noonan, Michael J

<NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Rob Hart

[REDACTED] | hartrl@state.gov

Official

UNCLASSIFIED

From: Heidema, Sarah J

Sent: Wednesday, September 19, 2018 3:36 PM

To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Official

UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/19/2018 9:08:34 PM
To: Foster, John A [FosterJA2@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8 (RMA LPM).docx

[REDACTED]

Rob Hart

[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Foster, John A
Sent: Wednesday, September 19, 2018 4:47 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 4:43 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

Rob,

[REDACTED]

[REDACTED]

[REDACTED]

From: Rogers, Shana A
Sent: Wednesday, September 19, 2018 4:31 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 4:17 PM
To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Hart, Robert L
Sent: Wednesday, September 19, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Wednesday, September 19, 2018 3:36 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>
Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Official
UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/19/2018 11:52:03 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Foster, John A [FosterJA2@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8
Attachments: Cat I-III FR - FRN 8 (RMA LPM) RJM.docx

All,

[REDACTED]

[REDACTED]

Thanks
Rob

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J
Sent: Wednesday, September 19, 2018 5:24 PM
To: Hart, Robert L <HartRL@state.gov>; Foster, John A <FosterJA2@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

[REDACTED]

From: Hart, Robert L
Sent: Wednesday, September 19, 2018 5:09 PM
To: Foster, John A <FosterJA2@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Rob Hart
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

From: Foster, John A
Sent: Wednesday, September 19, 2018 4:47 PM
To: Noonan, Michael J <NoonanMJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L

<HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Noonan, Michael J

Sent: Wednesday, September 19, 2018 4:43 PM

To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

Rob,

[REDACTED]

[REDACTED]

[REDACTED]

From: Rogers, Shana A

Sent: Wednesday, September 19, 2018 4:31 PM

To: Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Noonan, Michael J

Sent: Wednesday, September 19, 2018 4:17 PM

To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

From: Hart, Robert L

Sent: Wednesday, September 19, 2018 4:07 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: RE: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

[REDACTED]

Rob Hart

202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J

Sent: Wednesday, September 19, 2018 3:36 PM

To: Rogers, Shana A <RogersSA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Foster, John A <FosterJA2@state.gov>

Subject: EDIT TO THE Tech data Public comment: Cat I-III FR - FRN 8

Official
UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/20/2018 12:18:22 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: Draft Cats I-III
Attachments: 20180920 Cat I-III FR - FRN 8 (RMA LPM) RJM.docx

Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/20/2018 12:44:54 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: 20180920 Cat I-III FR - FRN 8 (RMA LPM) RJM
Attachments: 20180920 Cat I-III FR - FRN 8 (RMA LPM) RJM.docx



Official
UNCLASSIFIED

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 9/20/2018 12:54:22 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]; Steven Clagett [Steven.Clagett@bis.doc.gov]; Jeff Bond [Jeff.Bond@bis.doc.gov]
Subject: RE: firearms rules
Attachments: 2018-9-19_Master comments table.docx

Hi Sarah,

[REDACTED]

[REDACTED]

Tim

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, September 20, 2018 8:32 AM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: firearms rules

Tim-

[REDACTED]

Sarah J. Heidema
Director
PM/DTCP
202-663-2809

Official
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/20/2018 7:40:13 PM
To: Rogers, Shana A [RogersSA2@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: latest Cats I-III
Attachments: 20180920 Cat I-III FR - FRN 8 (RMA LPM) RJM RLH.docx

Shana,

[REDACTED]

Thanks,

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/20/2018 7:58:39 PM
To: String, Marik A [StringMA@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Miller, Michael F [Millermf@state.gov]
Subject: DRAFT 1-3 FRN
Attachments: 20180920 Cat I-III FR - FRN 8 SJH draft Clean.docx

Marik-



Sarah

Official
UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/21/2018 8:10:03 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Miller, Michael F [Millermf@state.gov]; Fabry, Steven F [FabrySF@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: 20180921 Cat I-III FR - FRN 8 (All L edits).docx

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

• [REDACTED]

• [REDACTED]

•



Thanks,
Marik

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Attorney-Client Communication
Sensitive but Unclassified

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UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 9/21/2018 8:38:54 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: 20180921 Cat I-III FR - FRN 8 (All L edits) RJM Page 19.docx

[REDACTED]

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UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>;

Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

Privileged & Confidential
Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/24/2018 4:27:28 PM
To: Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: 20180921 Cat I-III FR - FRN 8 (All L edits) RJM RLH.docx

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Monjay, Robert
Sent: Friday, September 21, 2018 4:45 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Monjay, Robert
Sent: Friday, September 21, 2018 4:39 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>;
Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,
[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

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Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/24/2018 8:03:42 PM
To: Rogers, Shana A [RogersSA2@state.gov]; Fabry, Steven F [FabrySF@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Miller, Michael F [MillerMF@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: Cat I-III FR - FRN 9.docx

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]

Thanks,
Marik

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Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 9/24/2018 8:10:35 PM
To: Timothy Mooney [Timothy.Mooney@bis.doc.gov]; Richard Ashooh [Richard.Ashooh@bis.doc.gov]
CC: Karen NiesVogel [Karen.NiesVogel@bis.doc.gov]; Lopes, Alexander [alexander.lopes@bis.doc.gov]; Clagett, Steven [steven.clagett@bis.doc.gov]; Matthew Borman [Matthew.Borman@bis.doc.gov]; Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]; Abraham, Liz [LABraham@doc.gov]; Hillary Hess [Hillary.Hess@bis.doc.gov]; Foster, John A [FosterJA2@state.gov]; Miller, Michael F [MillerMF@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]
Subject: RE: ITAR/CCL Firearms Rule
Attachments: Cat I-III FR - FRN 9.docx

Tim,




All the best,

Sarah
Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Friday, September 21, 2018 2:02 PM
To: Richard Ashooh <Richard.Ashooh@bis.doc.gov>; String, Marik A <StringMA@state.gov>
Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>
Subject: RE: ITAR/CCL Firearms Rule

DAS String,





Tim

Tim Mooney
Senior Export Policy Analyst
Regulatory Policy Division
Bureau of Industry and Security

Tel. [REDACTED]

From: Richard Ashooh
Sent: Friday, September 21, 2018 1:38 PM
To: 'String, Marik A' <StringMA@state.gov>
Cc: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>
Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

Rich

From: String, Marik A <StringMA@state.gov>
Sent: Thursday, September 20, 2018 3:14 PM
To: Richard Ashooh <Richard.Ashooh@bis.doc.gov>
Subject: ITAR/CCL Firearms Rule

Dear Rich,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Marik

Marik A. String
Deputy Assistant Secretary
Bureau of Political-Military Affairs
U.S. Department of State
[REDACTED]

Official - SBU
UNCLASSIFIED

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 9/25/2018 12:32:54 PM
To: Marquis, Matthew R [MarquisMR@state.gov]; PM-DTCP-RMA [PM-DTCP-RMA@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Miller, Michael F [Millermf@state.gov]
Subject: RE: CPA Media Monitoring: NPR: 'Lion King' Puppet Technician Arrested After Allegedly Printing 3D Gun At Theater

Official
UNCLASSIFIED

From: Marquis, Matthew R
Sent: Tuesday, September 25, 2018 8:28 AM
To: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <Millermf@state.gov>
Subject: CPA Media Monitoring: NPR: 'Lion King' Puppet Technician Arrested After Allegedly Printing 3D Gun At Theater



'Lion King' Puppet Technician Arrested After Allegedly Printing 3D Gun At Theater

By Laurel Wamsley

24 September 2018

A puppet technician with the Broadway production of The Lion King was using a 3D printer to print a gun at the theater, police say.

Officers were called to Manhattan's Minskoff Theater on Friday, where they say they found 47-year-old puppet technician Ilya Vett in the process of printing a handgun.

New York City police Officer James Taylor says that when he arrived at a production and prop room for the musical, he saw a 3D printer producing a hard black plastic object "shaped like a revolver in that the object has a hand grip and a pointed, snub-nosed nozzle" and "an empty space where it is customary for a cylinder holding live rounds of ammunition to be placed."

Printed guns have been in the headlines recently, as several states moved to block a Texas-based company from posting and selling plans for the guns online. Last month, a federal judge in Seattle granted a preliminary injunction preventing the publication of online blueprints for the guns.

Vett was arrested and charged with attempted criminal possession of a firearm. According to the criminal complaint, he told a detective that he was making the gun as a gift for his brother, who lives upstate and has a firearms license. Vett said the 3D printer was his own and he had brought it to work because his own workshop was too dusty, the complaint says.

The defendant reportedly explained that he found the plans for the gun online and downloaded them to a memory card. The card was inserted into the printer, which police say was powered on, moving and in operation when they arrived.

Vett was released Saturday and his case adjourned until Nov. 7. His attorney declined to comment.

The New York Daily News reports Vett was losing his job at The Lion King and that security found the printer and partially printed gun while assisting him in clearing out his things. An NPR request for comment from Disney, which produces the musical, was not returned.

In a video posted by Disney in November 2017 (and removed from YouTube today), Vett explained that being a puppet technician means ensuring the puppets used onstage continue to work properly.

"Usually by the end of every week, we'll have seen every puppet and just given it a look," he said. "And if something's wrong and it needs a little paint or there's something that's not functioning correctly, we'll then go in, fix it and get it back onto the stage as quickly as possible."

In late July, New York Gov. Andrew Cuomo announced a series of actions to prevent distribution of 3D-printed guns, including issuing a state police notice of the relevant statute.

"[T]he production of pistols and revolvers is also illegal in the absence of a license to own one," Cuomo's office explained in a news release. "Even a valid pistol permit does not in and of itself authorize an individual to possess a 3D-printed pistol or revolver, since there is no guarantee that a local firearms licensing officer will allow a 3D-printed pistol or revolver to be registered on a pistol license."

In court documents filed in July, states' attorneys general seeking to block publication of the gun blueprints described "irreparable" harm that would result from the files' release.

"The States' extensive and comprehensive firearms-regulation laws are seriously undermined by the Government's actions," they wrote. "Once the files are publicly released, anyone with access to a commercially available printer—regardless of their age, mental health status, or criminal history—will be able to download the files and use them to make functional weapons at home that can evade metal detectors, that are untraceable because they contain no serial numbers, and that use bullets that are forensically untraceable to the weapon."

As NPR's Camila Domonoske has reported, under federal law:

"[It's legal] for Americans to make their own guns for personal use, as long as those guns set off metal detectors and show up on X-ray machines. If you're 3D printing part of a gun and using metal components for other parts, as some designs call for, no law is violated."

"However, one of the Defense Distributed designs is virtually all plastic, except for a metal firing pin. Critics say that design will allow illegal, undetectable guns to proliferate. However, skeptics note that design is not very reliable compared with guns with metal parts."

Link: https://www.npr.org/2018/09/24/651158206/lion-king-puppet-technician-arrested-after-allegedly-printing-3d-gun-at-theater?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20180924

Matthew Marquis

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.6968

e-mail: MarquisMR@state.gov | Web: www.state.gov/t/pm/ | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/25/2018 1:45:38 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Tuesday, September 25, 2018 9:42 AM
To: Rogers, Shana A <RogersSA2@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Tuesday, September 25, 2018 9:39 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah, Rob,

[REDACTED]

Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>

Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: String, Marik A

Sent: Thursday, September 20, 2018 5:53 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

Thanks,
Marik

Privileged & Confidential

Attorney-Client Communication

Sensitive but Unclassified

Official - SBU

UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/25/2018 2:10:26 PM
To: Fabry, Steven F [FabrySF@state.gov]
CC: Trumbull, Charles P [TrumbullCP@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: 20180921 Cat I-III FR - FRN 8 (All L edits compare to final).docx; Cat I-III FR - FRN 9_Ledits.docx

[REDACTED]

[REDACTED]

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Fabry, Steven F
Sent: Monday, September 24, 2018 6:33 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Trumbull, Charles P <TrumbullCP@state.gov>
Subject: FW: DRAFT 1-3 FRN

[REDACTED]

-- Steve

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A

Sent: Thursday, September 20, 2018 5:53 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah,





-
-
-

Thanks,
Marik

Privileged & Confidential
Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Fabry, Steven F [FabrySF@state.gov]
Sent: 9/25/2018 11:02:02 PM
To: Dorosin, Joshua L [DorosinJL@state.gov]
CC: Trumbull, Charles P [TrumbullCP@state.gov]; Rogers, Shana A [RogersSA2@state.gov]
Subject: FW: DRAFT 1-3 FRN
Attachments: 20180921 Cat I-III FR - FRN 8 (All L edits compare to final).docx; Cat I-III FR - FRN 9_Ledits.docx

[REDACTED]

-- Steve

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Tuesday, September 25, 2018 10:10 AM
To: Fabry, Steven F <FabrySF@state.gov>
Cc: Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

[REDACTED]

[...]

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Fabry, Steven F
Sent: Monday, September 24, 2018 6:33 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Trumbull, Charles P <TrumbullCP@state.gov>
Subject: FW: DRAFT 1-3 FRN

[REDACTED]

-- Steve

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

Privileged & Confidential
Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 9/26/2018 8:19:10 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Noonan, Michael J [NoonanMJ@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Foster, John A [FosterJA2@state.gov]
Subject: notes for Thursday - Monday
Attachments: Cat I-III FR - FRN 9.docx

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•

•

Rob Hart
Chief (Acting), Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
[REDACTED] | hartrl@state.gov

Official
UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 9/26/2018 9:10:38 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]
Subject: FW: New PM Tasker: Control Number: H20180926=001 -- Member: Markey, Edward J. (RE: Defense Distributed)--
Date Due: 9/28/2018 at 12 PM
Attachments: 20180926 - Outgoing H20180926 Markey RLH.docx; H20180926- Incoming Markey.pdf

Sarah,



Thanks,
John

From: PM-Staffers Mailbox
Sent: Wednesday, September 26, 2018 12:37 PM
To: DDTC Tasker DL <DDTCTaskerDL@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>; Carter, Rachel <CarterR@state.gov>; String, Marik A <StringMA@state.gov>
Subject: New PM Tasker: Control Number: H20180926=001 -- Member: Markey, Edward J. (RE: Defense Distributed)--
Date Due: 9/28/2018 at 12 PM

Dear DDTC,

Please see [new PM tasker](#) for Control Number: H20180926=001 -- Member: Markey, Edward J regarding Defense Distributed.

Please submit to PM Staffers by Friday, Sept 28 at 12 pm.

Please follow instructions in the tasker and use proper templates.

Please clear through PM/CPA and H.

All OpenNet taskers can be found [here](#).

Please let us know if you have any questions.

All the Best,

Kurosh Massoud Ansari
Staff Assistant
Bureau of Political Military-Affairs
[PM/FO SharePoint](#)
2201 C Street, NW, Room 6312B
202-647-5104
massoudansarik@state.gov

From: H CCU@state.gov <H CCU@state.gov>
Sent: Wednesday, September 26, 2018 12:13 PM

To: H_CCTasking-PM <H_CCTasking-PM@state.gov>

Cc: Darrach, Tamara A <DarrachTA@state.gov>; H_CCU <H_CCU@state.gov>

Subject: Control Number: H20180926=001 -- Member: Markey, Edward J. -- Date Due: 10/1/2018

Congressional Correspondence - 2 day tasker

Control Number: **H20180926=001**

Date Due: **10/1/2018**

Actions:

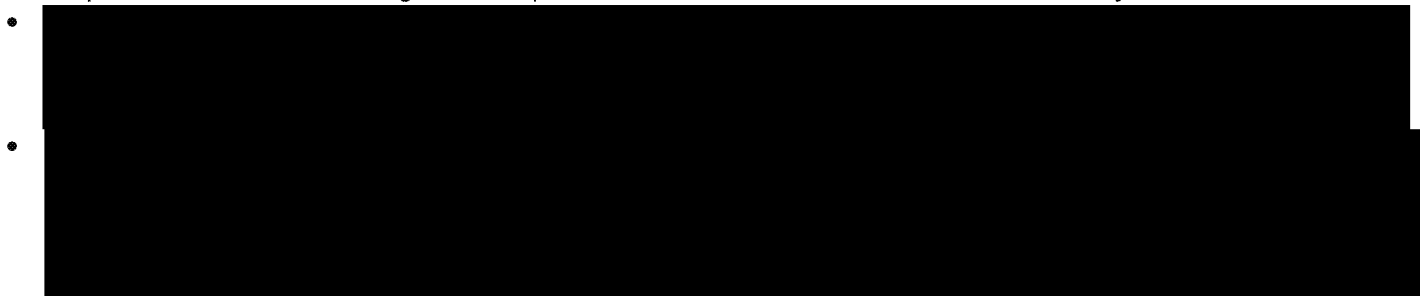
- Reply for signature by Charles S. Faulkner, Acting Assistant Secretary, Legislative Affairs.

Member: Markey, Edward J.

Subject: Writing to request the Department reconsider the decision to advocate for the widespread availability of undetectable "3D" printed firearms, in light of the resignation of Defense Distributed's CEO, Cody Wilson, after being arrested on sexual assault charges.

2 Day Tasker

- For all correspondence that will be signed by the Secretary or other Principal: Please submit a draft response under cover of a **joint action memo by H and your Bureau**. Please submit the action memo on the **classified (high) side to the H Staffers**. Also, please advise the CCU on the unclassified (low) side when the action memo has been submitted.
- The attached Substantive Correspondence is due in the Congressional Correspondence Unit (CCU) on the due date indicated on the tasker.
- Document Requests: All request for DOS documents require an interim response to the Member within 2 days of the official tasker. The interim response acknowledges receipt of the request and advises that a search for the requested information has begun. All responsive documents must be cleared for release by P via action memo.



DEPARTMENT OF STATE CONGRESSIONAL CORRESPONDENCE
TASKER



IPS CONTROL# **H2018** 0926=001

ACTION BUREAU: PM

DATE: SEP 26 2018

IPS:

☒ SUBSTANTIVE

☒ IMAGE ENTIRE DOCUMENT

BUREAU:

BUREAU ACTION REQUESTED: RESPOND TO CCU WITHIN **2** DAYS

☒ REPLY FOR SIGNATURE BY Charles S. Faulkner, Acting Assistant Secretary,
Legislative Affairs

☐ ADDRESS ENVELOPE TO DISTRICT OFFICE

☐ DIRECT REPLY TO CONSTITUENT BY OFFICE DIRECTOR WITH COPY TO
CONGRESSIONAL OFFICE. PHONE 7-1608 WHEN COMPLETED

☐ FYI ONLY/NO RESPONSE NECESSARY

☐ REPLY FOR SIGNATURE DIRECTLY BY BUREAU

☐ OTHER ACTION: _____

FOR GUIDANCE/INFORMATION ON FORMATTING CONGRESSIONALS SEE:

[http://diplomedia.state.gov/index.php?title=Bureau of Legislative Affairs Reference Documents#Yellow Border](http://diplomedia.state.gov/index.php?title=Bureau%20of%20Legislative%20Affairs%20Reference%20Documents#Yellow%20Border)

****BUREAUS MUST MAKE TRANSFERS OF ACTION DIRECTLY WITH RECEIVING BUREAU'S FRONT
OFFICE. PLEASE NOTIFY CCU VIA UNCLASS EMAIL OF ALL TRANSFERS OF ACTION****

Due Date 10/1/18

ADDITIONAL INSTRUCTIONS:

☐ Multi-signer Letter: _____

☐ Special Instructions: _____

☐ EVEREST TASKER# _____

☐ Please clear with NSC prior to submission to H

FROM: AA/S Charles S. Faulkner (H)

Congressional Correspondence

Recommendation

SEP 26 2018

____ **For Signature by Secretary Pompeo**

For draft by _____ Bureau

☒ **Tasked to the PM Bureau for
Signature by Charles S. Faulkner
Acting Assistant Secretary,
Legislative Affairs**

____ **Tasked to _____ Bureau for signature by
Post or Bureau**

____ **FYI Only—No Reply Necessary
For _____ Bureau**

Special Actions:

____ **Multi-signer letter:** _____

____ **Special Clearances:** _____

____ **Everest Tasker#** _____

____ **Special Instructions:** _____

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

ENVIRONMENT AND PUBLIC WORKS

FOREIGN RELATIONS

RANKING MEMBER:

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC,
AND INTERNATIONAL CYBERSECURITY POLICY

COMMERCE, SCIENCE, AND TRANSPORTATION

RANKING MEMBER:

SUBCOMMITTEE ON

SPACE, SCIENCE, AND COMPETITIVENESS

SMALL BUSINESS AND ENTREPRENEURSHIP

CHAIRMAN:

U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

September 26, 2018

The Honorable Andrea L. Thompson
Under Secretary for Arms Control and International Security
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Under Secretary Thompson:

On September 25, 2018, Defense Distributed, an advocate for the widespread availability of undetectable three-dimensional ("3D") printed firearms, announced that its Chief Executive Officer Cody Wilson had resigned in the wake of sexual assault charges against him. I write to urge the State Department to take the opportunity presented by the leadership change at Defense Distributed to revisit the terms of the June 29, 2018 settlement agreement it reached in litigation with Defense Distributed, which would allow Defense Distributed or anyone else to publish online blueprints for the 3D printing of these deadly weapons.

On August 27, 2018, Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington issued a preliminary injunction that halted implementation of the settlement agreement. In the injunction, the court recognized that the State Department itself had once argued in the litigation against Defense Distributed that "'export of Defense Distributed's [computer-aided design] files could cause serious harm to U.S. national security and foreign policy interests.'" ¹ The State Department had the right position when it urged the court to dismiss Defense Distributed's lawsuit on these and other grounds.

As the injunction reflects, it has become increasingly apparent that the settlement was ill-advised, dangerous, and inimical to U.S. interests around the globe. The departure of Cody Wilson from Defense Distributed may give the State Department a chance to reengage with the company. Renewed settlement talks would give the State Department a forum in which to fix the mistake it made by inexplicably reversing its position in the litigation, entering into the settlement agreement in the first place, and agreeing to pay \$40,000 of Defense Distributed's attorneys' fees.

¹ *State of Washington v. U.S. Dep't of State*, No. 2:18-cv-01115-RSL, Prelim. Inj. at 4, (W.D. Wash. Aug. 27, 2018), quoting *Defense Distributed v. U.S. Dep't of State*, No. 1:15-cv-00372-RP, Def's Opp. Pls.' Mot. Prelim. Inj. at 10 (W.D. Tex. June 10, 2015).

SUITE 8D-285
DIRKSEY BUILDING
WASHINGTON, DC 20516-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUBBURY STREET
BOSTON, MA 02203
617-565-8619

222 MILLER BOULEVARD, SUITE 312
FAIR RIVER, MA 02721
508-877-0523

1550 MAIN STREET, 4TH FLOOR
WILMINGTON, MA 01103
617-735-4610

LEGISLATIVE AFFAIRS

210 SEP 26 A 11:36

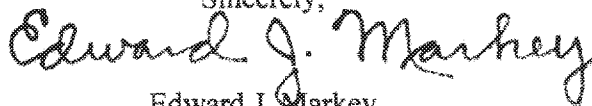
RECEIVED

The Honorable Andrea L. Thompson
September 26, 2018
Page 2

Finally, a renegotiated settlement agreement that prevents Defense Distributed or anyone else from posting blueprints online could satisfy my concerns that led me to place a hold on the nomination of R. Clarke Cooper to be an Assistant Secretary of State for Political-Military Affairs. I understood from our recent meeting that the confirmation of Mr. Cooper — who oversees the Directorate of Defense Trade Controls, which is at the center of the 3D printable gun controversy — is important to you.

Absent a renegotiation of the settlement agreement, Mr. Cooper's confirmation will have to await the resolution of the litigation between the State Department and Defense Distributed. If the issuance of the preliminary injunction is any indication of where that case will end up, it would behoove the State Department to use this opportunity to short-circuit the litigation, renegotiate with new leadership at Defense Distributed, and solve the problem it created with a settlement agreement that allows for the online publication of blueprints for dangerous and deadly 3D-printed firearms.

Sincerely,

A handwritten signature in dark ink, reading "Edward J. Markey". The signature is fluid and cursive, with the first name "Edward" and last name "Markey" clearly legible.

Edward J. Markey
United States Senator

cc: Chad A. Readler

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 9/28/2018 8:07:10 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Miller, Michael F [MillerMF@state.gov]; Hart, Robert L [HartRL@state.gov]; Fabry, Steven F [FabrySF@state.gov]; Dorosin, Joshua L [DorosinJL@state.gov]; Cavnar, Anna [CavnarA@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: Cat I-III FR - FRN 9_Ledits.docx (JD Comments).docx

Sarah,



Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-



Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F

<FabrySF@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A

Sent: Thursday, September 20, 2018 5:53 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>;
Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,

Marik

Privileged & Confidential
Attorney-Client Communication
Sensitive but Unclassified

Official - SBU
UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 10/1/2018 2:23:04 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]
Subject: RE: New PM Tasker: Control Number: H20180926=001 -- Member: Markey, Edward J. (RE: Defense Distributed)-- Date Due: 9/28/2018 at 12 PM
Attachments: 20181001 - Outgoing H20180926 Markey.docx; H20180926- Incoming Markey.pdf

Sarah,

Please review the revised letter I drafted based on our discussion, and then I'll circulate it for clearance.

Thanks,
John

From: Foster, John A
Sent: Wednesday, September 26, 2018 5:11 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: FW: New PM Tasker: Control Number: H20180926=001 -- Member: Markey, Edward J. (RE: Defense Distributed)-- Date Due: 9/28/2018 at 12 PM

Sarah,

Per our discussion, attached is the draft outgoing letter in response to this tasker. I've also attached the pdf of the incoming letter. Please let us know your thoughts when convenient, and then I'll be happy to circulate this for clearance.

Thanks,
John

From: PM-Staffers Mailbox
Sent: Wednesday, September 26, 2018 12:37 PM
To: DDTC Tasker DL <DDTCTaskerDL@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>; Carter, Rachel <CarterR@state.gov>; String, Marik A <StringMA@state.gov>
Subject: New PM Tasker: Control Number: H20180926=001 -- Member: Markey, Edward J. (RE: Defense Distributed)-- Date Due: 9/28/2018 at 12 PM

Dear DDTC,

Please see [new PM tasker](#) for Control Number: H20180926=001 -- Member: Markey, Edward J regarding Defense Distributed.

Please submit to PM Staffers by Friday, Sept 28 at 12 pm.

Please follow instructions in the tasker and use proper templates.

Please clear through PM/CPA and H.

All OpenNet taskers can be found [here](#).

Please let us know if you have any questions.

All the Best,

Kurosh Massoud Ansari
Staff Assistant
Bureau of Political Military-Affairs
PM/FO SharePoint
2201 C Street, NW, Room 6312B
202-647-5104
massoudansarik@state.gov

From: H_CCU@state.gov <H_CCU@state.gov>

Sent: Wednesday, September 26, 2018 12:13 PM

To: H_CCTasking-PM <H_CCTasking-PM@state.gov>

Cc: Darrach, Tamara A <DarrachTA@state.gov>; H_CCU <H_CCU@state.gov>

Subject: Control Number: H20180926=001 -- Member: Markey, Edward J. -- Date Due: 10/1/2018

Congressional Correspondence - 2 day tasker

Control Number: H20180926=001

Date Due: 10/1/2018

Actions:

- Reply for signature by Charles S. Faulkner, Acting Assistant Secretary, Legislative Affairs.

Member: Markey, Edward J.

Subject: Writing to request the Department reconsider the decision to advocate for the widespread availability of undetectable "3D" printed firearms, in light of the resignation of Defense Distributed's CEO, Cody Wilson, after being arrested on sexual assault charges.

2 Day Tasker

- For all correspondence that will be signed by the Secretary or other Principal: Please submit a draft response under cover of a **joint action memo by H and your Bureau**. Please submit the action memo on the **classified (high) side to the H Staffers**. Also, please advise the CCU on the unclassified (low) side when the action memo has been submitted.
- The attached Substantive Correspondence is due in the Congressional Correspondence Unit (CCU) on the due date indicated on the tasker.
- Document Requests: All request for DOS documents require an interim response to the Member within 2 days of the official tasker. The interim response acknowledges receipt of the request and advises that a search for the requested information has begun. All responsive documents must be cleared for release by P via action memo.
- All Unclassified responses to congressional inquiries should be submitted to the CCU on OpenNet, as a word document, named using the H Control Number (e.g. H20110321=000.docx for substantive or 11002201.docx for constituent). In the case of interim responses use the control number plus interim plus. (e.g. H20110321=000interim.docx for substantive or 11002201interim.docx for constituent)
- All Classified responses to congressional inquiries should be submitted to CCU on ClassNet to the [REDACTED] email box, as a word document, named using the H Control Number (e.g. H20110321=000.docx for substantive or 11002201.docx for constituent). In the case of interim responses use the control number plus interim plus. (e.g. H20110321=000interim.docx for substantive or 11002201interim.docx for constituent)

DEPARTMENT OF STATE CONGRESSIONAL CORRESPONDENCE
TASKER



IPS CONTROL# **H2018** 0926=001

ACTION BUREAU: PM

DATE: SEP 26 2018

IPS:

☒ SUBSTANTIVE

☒ IMAGE ENTIRE DOCUMENT

BUREAU:

BUREAU ACTION REQUESTED: RESPOND TO CCU WITHIN **2** DAYS

☒ REPLY FOR SIGNATURE BY Charles S. Faulkner, Acting Assistant Secretary,
Legislative Affairs

☐ ADDRESS ENVELOPE TO DISTRICT OFFICE

☐ DIRECT REPLY TO CONSTITUENT BY OFFICE DIRECTOR WITH COPY TO
CONGRESSIONAL OFFICE. PHONE 7-1608 WHEN COMPLETED

☐ FYI ONLY/NO RESPONSE NECESSARY

☐ REPLY FOR SIGNATURE DIRECTLY BY BUREAU

☐ OTHER ACTION: _____

FOR GUIDANCE/INFORMATION ON FORMATTING CONGRESSIONALS SEE:

[http://diplomedia.state.gov/index.php?title=Bureau of Legislative Affairs Reference Documents#Yellow Border](http://diplomedia.state.gov/index.php?title=Bureau%20of%20Legislative%20Affairs%20Reference%20Documents#Yellow%20Border)

****BUREAUS MUST MAKE TRANSFERS OF ACTION DIRECTLY WITH RECEIVING BUREAU'S FRONT
OFFICE. PLEASE NOTIFY CCU VIA UNCLASS EMAIL OF ALL TRANSFERS OF ACTION****

Due Date 10/1/18

ADDITIONAL INSTRUCTIONS:

☐ Multi-signer Letter: _____

☐ Special Instructions: _____

☐ EVEREST TASKER# _____

☐ Please clear with NSC prior to submission to H

FROM: AA/S Charles S. Faulkner (H)

Congressional Correspondence

Recommendation

SEP 26 2018

____ **For Signature by Secretary Pompeo**

For draft by _____ Bureau

☒ **Tasked to the PM Bureau for
Signature by Charles S. Faulkner
Acting Assistant Secretary,
Legislative Affairs**

____ **Tasked to _____ Bureau for signature by
Post or Bureau**

____ **FYI Only—No Reply Necessary
For _____ Bureau**

Special Actions:

____ **Multi-signer letter:** _____

____ **Special Clearances:** _____

____ **Everest Tasker#** _____

____ **Special Instructions:** _____

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

ENVIRONMENT AND PUBLIC WORKS

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RANKING MEMBER:

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SUBCOMMITTEE ON

SPACE, SCIENCE, AND COMPETITIVENESS

SMALL BUSINESS AND ENTREPRENEURSHIP

CHAIRMAN:

U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

September 26, 2018

The Honorable Andrea L. Thompson
Under Secretary for Arms Control and International Security
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Under Secretary Thompson:

On September 25, 2018, Defense Distributed, an advocate for the widespread availability of undetectable three-dimensional ("3D") printed firearms, announced that its Chief Executive Officer Cody Wilson had resigned in the wake of sexual assault charges against him. I write to urge the State Department to take the opportunity presented by the leadership change at Defense Distributed to revisit the terms of the June 29, 2018 settlement agreement it reached in litigation with Defense Distributed, which would allow Defense Distributed or anyone else to publish online blueprints for the 3D printing of these deadly weapons.

On August 27, 2018, Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington issued a preliminary injunction that halted implementation of the settlement agreement. In the injunction, the court recognized that the State Department itself had once argued in the litigation against Defense Distributed that "'export of Defense Distributed's [computer-aided design] files could cause serious harm to U.S. national security and foreign policy interests.'" ¹ The State Department had the right position when it urged the court to dismiss Defense Distributed's lawsuit on these and other grounds.

As the injunction reflects, it has become increasingly apparent that the settlement was ill-advised, dangerous, and inimical to U.S. interests around the globe. The departure of Cody Wilson from Defense Distributed may give the State Department a chance to reengage with the company. Renewed settlement talks would give the State Department a forum in which to fix the mistake it made by inexplicably reversing its position in the litigation, entering into the settlement agreement in the first place, and agreeing to pay \$40,000 of Defense Distributed's attorneys' fees.

¹ *State of Washington v. U.S. Dep't of State*, No. 2:18-cv-01115-RSL, Prelim. Inj. at 4, (W.D. Wash. Aug. 27, 2018), quoting *Defense Distributed v. U.S. Dep't of State*, No. 1:15-cv-00372-RP, Def.'s Opp. Pls.' Mot. Prelim. Inj. at 10 (W.D. Tex. June 10, 2015).

SUITE 8D-285
DIRKSEY BUILDING
WASHINGTON, DC 20516-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUBBURY STREET
BOSTON, MA 02203
617-565-8619

222 MILLER BOULEVARD, SUITE 312
FAIR RIVER, MA 02721
508-877-0523

1550 MAIN STREET, 4TH FLOOR
WILMINGTON, MA 01103
617-735-4610

LEGISLATIVE AFFAIRS

SEP 26 A 11:36

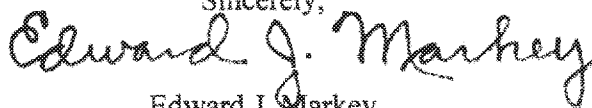
RECEIVED

The Honorable Andrea L. Thompson
September 26, 2018
Page 2

Finally, a renegotiated settlement agreement that prevents Defense Distributed or anyone else from posting blueprints online could satisfy my concerns that led me to place a hold on the nomination of R. Clarke Cooper to be an Assistant Secretary of State for Political-Military Affairs. I understood from our recent meeting that the confirmation of Mr. Cooper — who oversees the Directorate of Defense Trade Controls, which is at the center of the 3D printable gun controversy — is important to you.

Absent a renegotiation of the settlement agreement, Mr. Cooper's confirmation will have to await the resolution of the litigation between the State Department and Defense Distributed. If the issuance of the preliminary injunction is any indication of where that case will end up, it would behoove the State Department to use this opportunity to short-circuit the litigation, renegotiate with new leadership at Defense Distributed, and solve the problem it created with a settlement agreement that allows for the online publication of blueprints for dangerous and deadly 3D-printed firearms.

Sincerely,

A handwritten signature in dark ink, reading "Edward J. Markey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Edward J. Markey
United States Senator

cc: Chad A. Readler

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 10/2/2018 6:42:50 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: FW: DRAFT 1-3 FRN
Attachments: Cat I-III FR - FRN 9_Ledits.docx (JD Comments).docx

[REDACTED]

Rob Hart

[REDACTED] | hartrl@state.gov

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 28, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Fabry, Steven F <FabrySF@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

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Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 10/2/2018 7:31:53 PM
To: Rogers, Shana A [RogersSA2@state.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Miller, Michael F [MillerMF@state.gov]; Hart, Robert L [HartRL@state.gov]; Dorosin, Joshua L [DorosinJL@state.gov]; Cavnar, Anna [CavnarA@state.gov]; Trumbull, Charles P [TrumbullCP@state.gov]
Subject: RE: DRAFT 1-3 FRN
Attachments: Cat I-III FR - FRN 9_Ledits.docx (SJH Comments).docx

Shana-

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Tuesday, October 2, 2018 3:09 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

Hi Sarah,

[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 28, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
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Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

Thanks,

Shana

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From: Heidema, Sarah J
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To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Happy to discuss at your convenience.

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,
[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

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Sensitive but Unclassified

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Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 10/5/2018 4:02:11 PM
To: Rogers, Shana A [RogersSA2@state.gov]
Subject: RE: DRAFT 1-3 FRN

■
Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, October 5, 2018 12:01 PM
To: Kovar, Jeffrey D <KovarJD@state.gov>
Subject: RE: DRAFT 1-3 FRN

■
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UNCLASSIFIED

From: Kovar, Jeffrey D
Sent: Friday, October 05, 2018 11:46 AM
To: Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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UNCLASSIFIED

From: Rogers, Shana A

Sent: Friday, October 5, 2018 7:11 AM

To: Kovar, Jeffrey D <KovarJD@state.gov>

Cc: Trumbull, Charles P <TrumbullCP@state.gov>

Subject: FW: DRAFT 1-3 FRN

Jeff,

[REDACTED]

[REDACTED]

Thanks,
Shana

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UNCLASSIFIED

From: Rogers, Shana A

Sent: Friday, October 05, 2018 7:04 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>

Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

Many thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Thursday, October 04, 2018 2:41 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

[REDACTED]

[REDACTED]

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From: Rogers, Shana A
Sent: Thursday, October 4, 2018 12:06 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Shana

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From: Heidema, Sarah J
Sent: Tuesday, October 02, 2018 3:32 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana-

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
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From: Rogers, Shana A
Sent: Tuesday, October 2, 2018 3:09 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>
Subject: RE: DRAFT 1-3 FRN

Hi Sarah,

[REDACTED]

Thanks,
Shana

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UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 28, 2018 4:07 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Hart, Robert L <HartRL@state.gov>; Fabry, Steven F <FabrySF@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Cavnar, Anna <CavnarA@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,

[REDACTED]

Thanks,

Shana

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From: Heidema, Sarah J
Sent: Monday, September 24, 2018 4:04 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: DRAFT 1-3 FRN

Shana and Steve-

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, September 21, 2018 4:10 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Fabry, Steven F <FabrySF@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah and Rob,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,
Shana

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UNCLASSIFIED

From: String, Marik A
Sent: Thursday, September 20, 2018 5:53 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DRAFT 1-3 FRN

Sarah,
[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Marik

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Sensitive but Unclassified

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Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 10/9/2018 4:56:23 PM
To: String, Marik A [StringMA@state.gov]
CC: Miller, Michael F [MillerMF@state.gov]
Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

Official
UNCLASSIFIED

From: String, Marik A
Sent: Tuesday, October 9, 2018 12:44 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>
Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

Marik

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Friday, October 5, 2018 11:01 AM
To: String, Marik A <StringMA@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>
Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: String, Marik A
Sent: Friday, October 5, 2018 10:27 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>
Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Friday, October 5, 2018 10:15 AM
To: String, Marik A <StringMA@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>
Subject: FW: ITAR/CCL Firearms Rule

[REDACTED]

Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Friday, October 5, 2018 9:44 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>
Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Foster, John A <FosterJA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: ITAR/CCL Firearms Rule

Sarah,

[REDACTED]

Tim

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Friday, October 05, 2018 8:10 AM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>
Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Matthew

Borman <Matthew.Borman@bis.doc.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Foster, John A <FosterJA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: ITAR/CCL Firearms Rule

Tim-

Sarah

-----Original Message-----

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Sent: Monday, September 24, 2018 4:52 PM

To: Clagett, Steven <steven.clagett@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Foster, John A <FosterJA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: ITAR/CCL Firearms Rule

Sarah,

Tim

-----Original Message-----

From: Steven Clagett

Sent: Monday, September 24, 2018 4:33 PM

To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>

Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Foster, John A <FosterJA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

-----Original Message-----

From: Heidema, Sarah J [<mailto:HeidemaSJ@state.gov>]

Sent: Monday, September 24, 2018 4:11 PM

To: Timothy Mooney; Richard Ashooh

Cc: Karen NiesVogel; Alexander Lopes; Steven Clagett; Matthew Borman; Monjay, Robert; Hart, Robert L; Abraham, Liz; Hillary Hess; Foster, John A; Miller, Michael F; Noonan, Michael J

Subject: RE: ITAR/CCL Firearms Rule

Tim,

[REDACTED]

[REDACTED]

All the best,

Sarah

Official

UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Sent: Friday, September 21, 2018 2:02 PM

To: Richard Ashooh <Richard.Ashooh@bis.doc.gov>; String, Marik A <StringMA@state.gov>

Cc: Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Abraham, Liz <LABraham@doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>

Subject: RE: ITAR/CCL Firearms Rule

DAS String,

[REDACTED]

[REDACTED]

[REDACTED]

Tim

Tim Mooney

Senior Export Policy Analyst

Regulatory Policy Division

Bureau of Industry and Security

Tel. [REDACTED]

From: Richard Ashooh

Sent: Friday, September 21, 2018 1:38 PM

To: 'String, Marik A' <StringMA@state.gov>

Cc: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>

Subject: RE: ITAR/CCL Firearms Rule

[REDACTED]

Rich

From: String, Marik A <StringMA@state.gov>

Sent: Thursday, September 20, 2018 3:14 PM

To: Richard Ashooh <Richard.Ashooh@bis.doc.gov>

Subject: ITAR/CCL Firearms Rule

Dear Rich,

[REDACTED]

[REDACTED]

[REDACTED]

Marik

Marik A. String

Deputy Assistant Secretary

Bureau of Political-Military Affairs

U.S. Department of State

[REDACTED]

Official - SBU

UNCLASSIFIED

Official

UNCLASSIFIED

Message (Digitally Signed)

From: Monjay, Robert [MonjayR@state.gov]
Sent: 10/9/2018 6:16:59 PM
To: Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]
CC: Hart, Robert L [HartRL@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]
Subject: RE: Categories I-III Regulation
Attachments: Cat I-III FR - FRN 10.docx; smime.p7s

Susan,

[REDACTED]

Thanks
Rob

-----Original Message-----

From: Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>
Sent: Wednesday, October 3, 2018 9:28 AM
To: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>
Subject: Categories I-III Regulation

[REDACTED]

Thank you.

Regards,

Susan

Susan G Daoussi
Division Chief, Gold Team
Licensing Directorate,
Defense Technology Security Administration (DTSA)
[REDACTED]
Susan.G.Daoussi.civ@mail.mil

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 10/16/2018 3:35:12 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Robert Monjay (monjayr@state.gov) [monjayr@state.gov]; Mathew, Asha [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Hillary Hess [Hillary.Hess@bis.doc.gov]; Abraham, Liz [LABraham@doc.gov]
CC: Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]
Subject: RE: Export control rules on guns (cats 1-3)

Thanks, Jasmeet.

[REDACTED]

[REDACTED]

Tim

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Tuesday, October 16, 2018 11:29 AM
To: Peckham, Yvonne M <PeckhamYM@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Robert Monjay (monjayr@state.gov) <monjayr@state.gov>; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Cc: Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>
Subject: Export control rules on guns (cats 1-3)

[REDACTED]

[REDACTED]

Thanks!

Message



From: Hart, Robert L [HartRL@state.gov]
Sent: 10/18/2018 3:20:31 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: FW: AR in Washington v. State
Attachments: ECR_Criteria_Att.1.pdf; Cat I _draft10062010 (2).docx; ECR_Positive_List_Review_Process_Doc_8_16_10.pdf; REVISED DOD Do Not Staff List (DNSL)--6/01/09

Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU (Deliberative Process, Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A
Sent: Wednesday, October 17, 2018 12:43 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Foster, John A <FosterJA2@state.gov>
Subject: FW: AR in Washington v. State

DTCP colleagues,



Thanks,
Shana

-----Original Message-----

From: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>
Sent: Wednesday, October 17, 2018 11:17 AM
To: Rogers, Shana A <RogersSA2@state.gov>
Subject: FW: AR in Washington v. State

Shana,



V/r,

Don

Donald F. Cox
Deputy Assistant General Counsel
(Research, Development and Acquisition)
Pentagon, RM 4C682
Washington, DC 20350-1000
[REDACTED]

-----Original Message-----

From: Devendorf, Thomas E CIV DTSA TD (US) <thomas.e.devendorf.civ@mail.mil>
Sent: Tuesday, October 16, 2018 2:00 PM
To: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>
Cc: Oukrop, Kenneth Jeffrey (Ken) CIV DTSA LD (US) <kenneth.j.oukrop.civ@mail.mil>
Subject: RE: AR in Washington v. State

Don,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tom

-----Original Message-----

From: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>
Sent: Friday, October 12, 2018 1:46 PM
To: Devendorf, Thomas E CIV DTSA TD (US) <thomas.e.devendorf.civ@mail.mil>
Cc: Oukrop, Kenneth Jeffrey (Ken) CIV DTSA LD (US) <kenneth.j.oukrop.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Grenn, Michael W CIV DTSA TD (US) <michael.w.grenn.civ@mail.mil>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>
Subject: RE: AR in Washington v. State

[REDACTED]

[REDACTED]

[REDACTED]

v/r,

Don

-----Original Message-----

From: Devendorf, Thomas E CIV DTSA TD (US) <thomas.e.devendorf.civ@mail.mil>

Sent: Friday, October 12, 2018 1:19 PM

To: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>

Cc: Oukrop, Kenneth Jeffrey (Ken) CIV DTSA LD (US) <kenneth.j.oukrop.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Grenn, Michael W CIV DTSA TD (US) <michael.w.grenn.civ@mail.mil>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>

Subject: RE: AR in Washington v. State

Don,

Tom

-----Original Message-----

From: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>

Sent: Friday, October 12, 2018 12:59 PM

To: Devendorf, Thomas E CIV DTSA TD (US) <thomas.e.devendorf.civ@mail.mil>

Subject: FW: AR in Washington v. State

Hi Tom,

Thanks.

Don

-----Original Message-----

From: Rogers, Shana A <RogersSA2@state.gov>

Sent: Friday, October 12, 2018 9:57 AM

To: Cox, Donald F CIV ASN (RDA), AGC <donald.f.cox@navy.mil>

Subject: [Non-DoD Source] AR in Washington v. State

Don,

[REDACTED]

Many thanks,

Shana

Shana Rogers

Attorney-Adviser, L/PM

U.S. Department of State

(202) 647-8546 (office)

[REDACTED] (cell)

rogerssa2@state.gov <<mailto:rogerssa2@state.gov>>

Official - SBU (Deliberative Process, Attorney Work Product)

UNCLASSIFIED

Official - SBU (Deliberative Process, Attorney Work Product, Attorney-Client Privilege)

UNCLASSIFIED

Message

From: Miller, Michael F [Millermf@state.gov]
Sent: 10/26/2018 11:47:51 AM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: PCC on Export Controls (Cats 1-3) Readout

Importance: High

[REDACTED]

MM

From: Miller, Michael F
Sent: Thursday, October 25, 2018 8:46 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: String, Marik A <StringMA@state.gov>; Miller, Michael F <Millermf@state.gov>
Subject: Re: PCC on Export Controls (Cats 1-3) Readout

[REDACTED]

[REDACTED]

+++++

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 11/2/2018 3:58:25 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Richard Ashooh [Richard.Ashooh@bis.doc.gov]; Alexander Lopes [Alexander.Lopes@bis.doc.gov]; Steven Clagett [Steven.Clagett@bis.doc.gov]
CC: Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]; Miller, Michael F [Millermf@state.gov]; Matthew Borman [Matthew.Borman@bis.doc.gov]; String, Marik A [StringMA@state.gov]
Subject: RE: CATS I-III Timeline
Attachments: 2018-11-2_CLEAN I-III timeline with State comments + BIS comments.docx

Thanks, Sarah.

[REDACTED]

[REDACTED]

[REDACTED]

Tim

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, November 01, 2018 1:48 PM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; String, Marik A <StringMA@state.gov>
Subject: RE: CATS I-III Timeline

[REDACTED]

[REDACTED]

[REDACTED]

Sarah

Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Thursday, November 1, 2018 11:35 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>
Subject: RE: CATS I-III Timeline

Sarah,

[REDACTED]

[REDACTED]

Thanks,
Tim

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, November 01, 2018 11:18 AM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>
Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>
Subject: RE: CATS I-III Timeline

Tim-

[REDACTED]

Thanks much,
Sarah
Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Sent: Friday, October 26, 2018 4:58 PM

To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>

Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>

Subject: RE: CATS I-III Timeline

[REDACTED]

[REDACTED]

Tim

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Sent: Friday, October 26, 2018 2:49 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Alexander Lopes <Alexander.Lopes@bis.doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>

Subject: RE: CATS I-III Timeline

From: Heidema, Sarah J <HeidemaSJ@state.gov>

Sent: Friday, October 26, 2018 2:28 PM

To: Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Cc: Monjay, Robert <MonjayR@state.gov>; Hart, Robert L <HartRL@state.gov>; Miller, Michael F <Millermf@state.gov>

Subject: RE: CATS I-III Timeline

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Sent: Thursday, October 25, 2018 4:47 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <Millermf@state.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Cc: Morrison, Timothy A. EOP/NSC <Timothy.A.Morrison@nsc.eop.gov>
Subject: CATS I-III Timeline
Importance: High

All –

[REDACTED]

Thank you!
Jodi

Jodi L. Kouts
Director for Nonproliferation and Strategic Trade
National Security Council

[REDACTED]

Secure: [REDACTED]

[REDACTED]

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/7/2018 5:55:44 PM
To: Monjay, Robert [MonjayR@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Ganzer, Ann K [GanzerAK@state.gov]; Plotnick, Sarah (Federal) [splotnick@doc.gov]; Robbins, Peter (Federal) [PRobbins@doc.gov]; Asha, Mathew [amathew@doc.gov]; Rogers, Shana A [RogersSA2@state.gov]; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations [DHSOGCRegulations@hq.dhs.gov]; 'DOE Reg Mailbox(GC-71energyregs@hq.doe.gov)' [GC-71energyregs@hq.doe.gov]; Jennings, Nanette (HQ-LA000) [nanette.jennings@nasa.gov]; Parker, Cheryl E. (HQ-LA000) [cheryl.e.parker@nasa.gov]; Hinchman, Robert (OLP) [Robert.Hinchman@usdoj.gov]; Gormsen, Eric T (OLP) [Eric.T.Gormsen@usdoj.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]; Laychak, Michael R SES DTSA EO (US) [michael.r.laychak.civ@mail.mil]; Minnifield, Tracy J CIV DTSA LD (US) [tracy.j.minnifield.civ@mail.mil]; Mueller, Andrew J CIV DTSA LD (US) [andrew.j.mueller2.civ@mail.mil]; Rodriguez, Candice LCIV DTSA LD (US) [candice.l.rodriguez.civ@mail.mil]; Toppings, Patricia L CIV OSD ODCMO (US) [patricia.l.toppings.civ@mail.mil]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Hunt, Alex T. EOP/OMB [Alexander_T._Hunt@omb.eop.gov]; Theroux, Rich P. EOP/OMB [Richard_P._Theroux@omb.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; Turner, Austin F. EOP/OMB [Austin_F_Turner@omb.eop.gov]; Vanka, Sarita EOP/OMB [Sarita_Vanka@omb.eop.gov]; McGinnis, Kevin E. EOP/OMB [Kevin_E_McGinnis@omb.eop.gov]; Nye, Joseph B. EOP/OMB [Joseph_B_Nye@omb.eop.gov]
Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule.docx; Cat I-III FR - FRN 10.docx

Message

From: Peckham, Yvonne M [PeckhamYM@state.gov]
Sent: 11/7/2018 6:30:47 PM
To: Joyce, Shannon (Shannon_M_Joyce@omb.eop.gov) [Shannon_M_Joyce@omb.eop.gov]
CC: Hart, Robert L [HartRL@state.gov]; Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
Subject: RE: Cat I-III (firearms) rule

Shannon,

[REDACTED]

Thank you,
Yvonne

Official
UNCLASSIFIED

From: Peckham, Yvonne M
Sent: Wednesday, November 7, 2018 1:19 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Subject: FW: Cat I-III (firearms) rule

Hi Jasmeet,

[REDACTED]

Yvonne

Official
UNCLASSIFIED

From: Hart, Robert L
Sent: Wednesday, November 7, 2018 12:55 PM
To: Peckham, Yvonne M <PeckhamYM@state.gov>
Subject: FW: Cat I-III (firearms) rule

[REDACTED]

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 12:43 PM
To: Hart, Robert L <HartRL@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: Cat I-III (firearms) rule

[REDACTED]

From: Hart, Robert L <HartRL@state.gov>
Sent: Wednesday, November 7, 2018 10:00 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: Cat I-III (firearms) rule

[REDACTED]

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 8:19 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; splotnick@doc.gov; Abraham, Liz <LABraham@doc.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: Re: Cat I-III (firearms) rule

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Nov 7, 2018, at 7:55 AM, Heidema, Sarah J <HeidemaSJ@state.gov> wrote:

[REDACTED]

Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>

Sent: Tuesday, November 6, 2018 5:34 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>

Cc: Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; splotnick@doc.gov; Abraham, Liz <LABraham@doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Subject: Cat I-III (firearms) rule (Commerce rule is cleared for sending to OMB. Commerce OGC will upload in ROCIS when Jasmeet is ready to accept it)

Sarah,

[REDACTED]

[REDACTED]

Tim

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 11/7/2018 6:45:12 PM
To: Krueger, Thomas G [KruegerTG@state.gov]; McClung, Gailyn W [McClungGW@state.gov]; Young, LaToya M [YoungLM2@state.gov]; Barron, Benjamin A [BarronBA@state.gov]; Blaha, Charles O [BlahaCO@state.gov]; Walker, Wilbert P (Pete) [WalkerWP@state.gov]; Douville, Alex J [DouvilleAJ@state.gov]; Shin, Jae E [ShinJE@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]
CC: Hamilton, Catherine E [HamiltonCE@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Davidson-Hood, Simon [DavidsonHoodS@state.gov]; Foster, John A [FosterJA2@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hess, Rachel [HessR@state.gov]; Monjay, Robert [MonjayR@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
Subject: FW: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule.docx; Cat I-III FR - FRN 10.docx

Hi All,



Thank you
 Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 12:56 PM
To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal) <PRObbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB <Alexander_T._Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard_P._Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin_F_Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita_Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin_E_McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph_B_Nye@omb.eop.gov>
Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 11/9/2018 7:56:49 PM
To: Hart, Robert L [HartRL@state.gov]
CC: Rogers, Shana A [RogersSA2@state.gov]
Subject: RE: Cat I-III (firearms) rule (Commerce rule is cleared for sending to OMB. Commerce OGC will upload in ROCIS when Jasmeet is ready to accept it)

Rob,

[REDACTED]

Tim

From: Hart, Robert L <HartRL@state.gov>
Sent: Thursday, November 08, 2018 11:04 AM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: Cat I-III (firearms) rule (Commerce rule is cleared for sending to OMB. Commerce OGC will upload in ROCIS when Jasmeet is ready to accept it)

[REDACTED]

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Tuesday, November 6, 2018 5:34 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Cc: Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Lopes, Alexander <alexander.lopes@bis.doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Karen NiesVogel <Karen.NiesVogel@bis.doc.gov>; splotnick@doc.gov; Abraham, Liz <LABraham@doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Subject: Cat I-III (firearms) rule (Commerce rule is cleared for sending to OMB. Commerce OGC will upload in ROCIS when Jasmeet is ready to accept it)

Sarah,

[REDACTED]

[REDACTED]

Tim

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 11/13/2018 4:34:26 PM
To: Schuyler J. Schouten (schuyler.j.schouten@who.eop.gov) [schuyler.j.schouten@who.eop.gov]
Subject: FW: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule.docx; Cat I-III FR - FRN 10.docx

Hi Schuyler,

[REDACTED]

[REDACTED]

[REDACTED]

Many thanks,
 Shana

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, November 07, 2018 12:56 PM
To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal) <PRobbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB <Alexander_T._Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard_P._Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin_F_Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita_Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin_E_McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph_B_Nye@omb.eop.gov>
Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 11/14/2018 9:04:04 PM
To: Monjay, Robert [MonjayR@state.gov]
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule.docx

Rob,



Thanks,
Shana

Official - SBU
UNCLASSIFIED

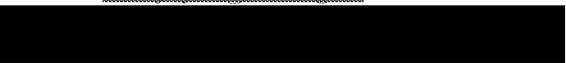
From: Monjay, Robert
Sent: Tuesday, November 13, 2018 6:43 PM
To: Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Walker, Wilbert P (Pete) <WalkerWP@state.gov>; Douville, Alex J <DouvilleAJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Cc: Hamilton, Catherine E <HamiltonCE@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hess, Rachel <HessR@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

All,



Thanks
Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Email: MonjayR@state.gov



Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Wednesday, November 7, 2018 1:45 PM
To: Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Young, LaToya M

<YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Walker, Wilbert P (Pete) <WalkerWP@state.gov>; Douville, Alex J <DouvilleAJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>
Cc: Hamilton, Catherine E <HamiltonCE@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hess, Rachel <HessR@state.gov>; Monjay, Robert <MonjayR@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>

Subject: FW: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

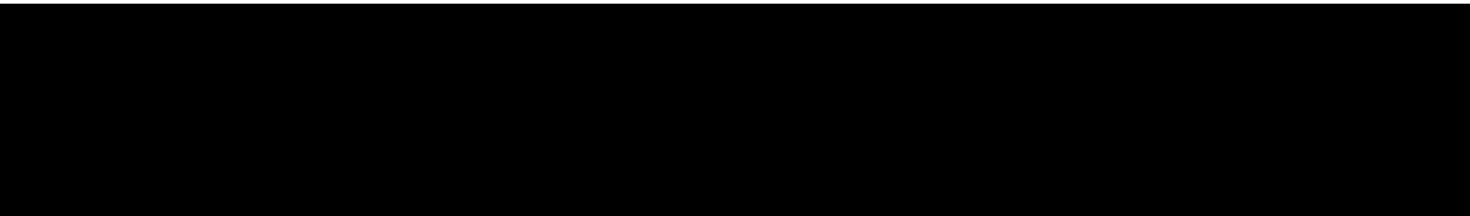
Hi All,



Thank you
Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 12:56 PM
To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal) <PRObbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB <Alexander_T_Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard_P_Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin_F_Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita_Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin_E_McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph_B_Nye@omb.eop.gov>
Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



[REDACTED]

[REDACTED]

Message

From: Hamilton, Catherine E [HamiltonCE@state.gov]
Sent: 11/15/2018 12:34:43 AM
To: Monjay, Robert [MonjayR@state.gov]
Subject: Re: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

From: Monjay, Robert
Sent: Wednesday, November 14, 2018 7:32 PM
To: Hamilton, Catherine E
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Official
UNCLASSIFIED

From: Hamilton, Catherine E
Sent: Wednesday, November 14, 2018 7:29 PM
To: Monjay, Robert <MonjayR@state.gov>
Subject: Re: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

From: Monjay, Robert
Sent: Wednesday, November 14, 2018 6:55 PM
To: Young, LaToya M; Barron, Benjamin A; Blaha, Charles O; Walker, Wilbert P (Pete); Douville, Alex J; Kottmyer, Alice M
Cc: Hamilton, Catherine E; Peckham, Yvonne M
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Hello all,

[REDACTED]

Thanks
Rob

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Tuesday, November 13, 2018 6:43 PM
To: Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Walker, Wilbert P (Pete) <WalkerWP@state.gov>; Douville, Alex J <DouvilleAJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>

Cc: Hamilton, Catherine E <HamiltonCE@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hess, Rachel <HessR@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

All,

Thanks
Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Email: MonjayR@state.gov

Official - SBU
UNCLASSIFIED

From: Monjay, Robert

Sent: Wednesday, November 7, 2018 1:45 PM

To: Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Walker, Wilbert P (Pete) <WalkerWP@state.gov>; Douville, Alex J <DouvilleAJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>

Cc: Hamilton, Catherine E <HamiltonCE@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Davidson-Hood, Simon <DavidsonHoodS@state.gov>; Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hess, Rachel <HessR@state.gov>; Monjay, Robert <MonjayR@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>

Subject: FW: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Hi All,

Thank you
Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Sent: Wednesday, November 7, 2018 12:56 PM

To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal)

<PRobbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>

Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB <Alexander_T_Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard_P_Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin_F_Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita_Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin_E_McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph_B_Nye@omb.eop.gov>

Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/16/2018 8:44:51 PM
To: 'Grossman, Beth (Federal) (bgrossman@doc.gov)' [bgrossman@doc.gov]; Asha, Mathew [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Plotnick, Sarah (Federal) [splotnick@doc.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay,Robert [MonjayR@state.gov]; Ganzer, Ann K [GanzerAK@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Joyce,Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; Turner, Austin F.EOP/OMB [Austin_F_Turner@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: DOD comments on final Commerce and State Export Control Comments on Categories 1-3
Attachments: Cat I-III FR - FRN 10 (DOD Final).docx; 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule (DOD Final).docx

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/16/2018 9:44:56 PM
To: Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Peckham, YvonneM [PeckhamYM@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; 'Ganzer, Ann K' [GanzerAK@state.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Turner, Austin F. EOP/OMB [Austin_F_Turner@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Plotnick, Sarah (Federal) [splotnick@doc.gov]; Mathew, Asha (Federal) [amathew@doc.gov]; 'Grossman, Beth (Federal)' [bgrossman@doc.gov] [bgrossman@doc.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]
Subject: Commerce/BIS comments on State's rule for Cats 1-3 and Status of DHS comments
Attachments: 2018-11-16 BIS edits and comments on Cat I-III FR - FRN 10 - for sending to OMB.docx; CJ 346-14.pdf

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks!

Message


From: Monjay, Robert [MonjayR@state.gov]
Sent: 11/16/2018 9:59:38 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
CC: Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Ganzer, Ann K [GanzerAK@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: 0694-AF47_2018-11-2 Clean Commerce Cat I-III firearms rule - DOS.docx

Jasmeet,



Thanks
 Rob

*Robert J. Monjay
 U.S. Department of State
 Office of Defense Trade Controls Policy
 Phone: 202.663.2817
 Email: MonjayR@state.gov*



Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 12:56 PM
To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal) <PRObbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB <Alexander_T._Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard_P._Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin_F_Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita_Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin_E_McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph_B_Nye@omb.eop.gov>
Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

[REDACTED]

[REDACTED]

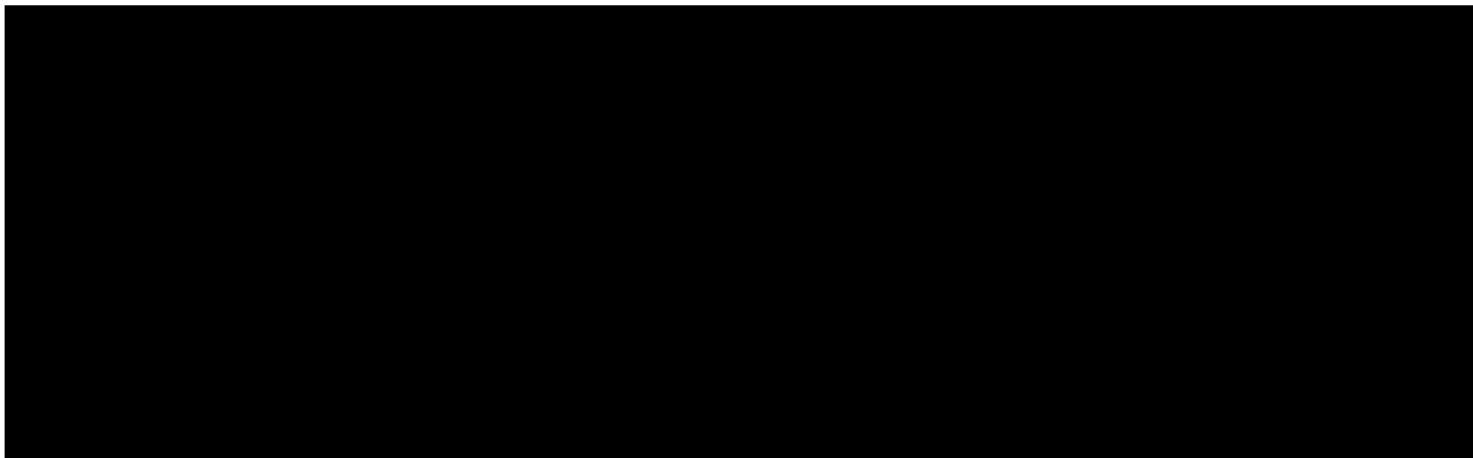
[REDACTED]

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/20/2018 2:32:21 PM
To: Plotnick, Sarah (Federal) [splotnick@doc.gov]; 'Grossman, Beth(Federal) (bgrossman@doc.gov)' [bgrossman@doc.gov]; Mathew, Asha (Federal) [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, RobertL [HartRL@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: Commerce Export_FR_cwp 11-13-18 + Entry edits.docx; Comments to DDTC and BIS Draft Final Rules.docx

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 11/20/2018 2:36:03 PM
To: Monjay, Robert [MonjayR@state.gov]
Subject: RE: From DOJ -- Comments on Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF) RLH.docx



Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Monday, November 19, 2018 6:55 PM
To: Hart, Robert L <HartRL@state.gov>
Subject: RE: From DOJ -- Comments on Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Friday, November 16, 2018 5:00 PM
To: Monjay, Robert <MonjayR@state.gov>
Subject: Fwd: From DOJ -- Comments on Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Rob Hart
202.736.9221 | hartrl@state.gov

From: Seehra, Jasmeet K. EOP/OMB <jasmeet.k.seehra@omb.eop.gov>

Sent: Friday, November 16, 2018 10:40 PM

To: Robbins, Peter; Asha, Mathew; 'Grossman, Beth (Federal)' (bgrossman@doc.gov); Plotnick, Sarah (Federal); Monjay, Robert; Heidema, Sarah J; Hart, Robert L; Ganzer, Ann K; Peckham, Yvonne M; Kottmyer, Alice M

Cc: Seehra, Jasmeet K. EOP/OMB; Joyce, Shannon M. EOP/OMB; Turner, Austin F. EOP/OMB

Subject: From DOJ -- Comments on Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Please see the attached files.

Appointment

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/20/2018 4:10:07 PM
To: Plotnick, Sarah (Federal) [splotnick@doc.gov]; Abraham, Liz [LABraham@doc.gov]; Clagett, Steven [steven.clagett@bis.doc.gov]; 'TimothyMooney' [Timothy.Mooney@bis.doc.gov]; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Laychak, Michael R SES DTSA EO (US) [michael.r.laychak.civ@mail.mil]; Mueller, Andrew J CIV DTSA LD (US) [andrew.j.mueller2.civ@mail.mil]; Schoen, Barry A CIV DTSA LD (USA) [barry.a.schoen.civ@mail.mil]; Oukrop, Kenneth Jeffrey (Ken) CIV DTSA LD(US) [kenneth.j.oukrop.civ@mail.mil]; Minnifield, Tracy J CIV DTSA LD (US) [tracy.j.minnifield.civ@mail.mil]; Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]; Brackett, Taurus L CIV DTSA LD (USA) [taurus.l.brackett.civ@mail.mil]; Devendorf, Thomas E CIV DTSA TD (US) [thomas.e.devendorf.civ@mail.mil]; Rose, Jesse J CIV DTSA PD (US) [jesse.j.rose3.civ@mail.mil]; Rodriguez, Candice L CIV DTSA LD (US) [candice.l.rodriguez.civ@mail.mil]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]
Subject: Call with DOD, Commerce, and State on the status of Export Control Rules for Categories 1-3
Location: Bridge line is [REDACTED] and participant code is [REDACTED]
Start: 11/26/2018 8:00:00 PM
End: 11/26/2018 9:30:00 PM
Show Time As: Tentative
Recurrence: (none)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appointment

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 11/20/2018 6:13:11 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Subject: Tentative: Call with DOD, Commerce, and State on the status of Export Control Rules for Categories 1-3
Location: Bridge line is [REDACTED] and participant code is [REDACTED]
Start: 11/26/2018 8:00:00 PM
End: 11/26/2018 9:30:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 11/27/2018 8:35:00 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: Cats I-III 38(f)
Attachments: USML Cat I-III 38(f) - AM to T Tab 2 (Revised Control Text).docx; USML Cat I-III 38(f) - AM to T Tab 3 (Line-in Line-out Comparison).docx; USML Cat I-III 38(f) - AM to T Tab 4 (DRAFT Commerce control text).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary).docx; USML Cat I-III 38(f) - AM to T Tab 6 (MDE List).docx; USML Cat I-III 38(f) - AM to T.docx; USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters).docx

Rob,
Attached is the draft 38(f) AM to T and attachments. [REDACTED]
[REDACTED]

Thanks
Rob


Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov
[REDACTED]

Official
UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 11/27/2018 9:09:42 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Plotnick, Sarah (Federal) [splotnick@doc.gov]; 'Grossman, Beth (Federal)' (bgrossman@doc.gov) [bgrossman@doc.gov]; Asha, Mathew [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Krueger, ThomasG [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: Comments to DDTC and BIS Draft Final Rules (DOS).docx; Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF).docx


Jasmeet,



Thanks
 Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Tuesday, November 20, 2018 9:32 AM
To: Plotnick, Sarah (Federal) <splotnick@doc.gov>; 'Grossman, Beth (Federal)' (bgrossman@doc.gov) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 11/27/2018 9:32:13 PM
To: Monjay, Robert [MonjayR@state.gov]
Subject: RE: Cats I-III 38(f)
Attachments: USML Cat I-III 38(f) - AM to T RLH.docx

[REDACTED]

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Monjay, Robert <MonjayR@state.gov>
Sent: Tuesday, November 27, 2018 3:35 PM
To: Hart, Robert L <HartRL@state.gov>
Subject: Cats I-III 38(f)

Rob,
Attached is the draft 38(f) AM to T and attachments. [REDACTED]

[REDACTED]

Thanks
Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov

[REDACTED]

Official
UNCLASSIFIED

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/27/2018 10:50:41 PM
To: Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]
CC: splotnick@doc.gov; Timothy Mooney [Timothy.Mooney@bis.doc.gov]; Abraham, Liz [LABraham@doc.gov]; Steven Clagett [Steven.Clagett@bis.doc.gov]; Jeff Bond [Jeff.Bond@bis.doc.gov]; Elan Mitchell-Gee [Elan.Mitchell-Gee@bis.doc.gov]; Seehra, Jasmeet K.EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: FW: From ATF to BIS -- responses to questions re: temporary imports for Commerce/BIS Cats 1-3
Attachments: 11.27.18 ATF Responses to OMB.docx

[REDACTED]

[REDACTED]

[REDACTED]

From: Seehra, Jasmeet K. EOP/OMB
Sent: Tuesday, November 27, 2018 5:41 PM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Abraham, Liz <LABraham@doc.gov>; splotnick@doc.gov; Steven Clagett <Steven.Clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Elan Mitchell-Gee <Elan.Mitchell-Gee@bis.doc.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Subject: From ATF to BIS -- responses to questions re: temporary imports for Commerce/BIS Cats 1-3

Please see attached.

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 11/28/2018 12:27:10 AM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]
CC: splotnick@doc.gov; Abraham, Liz [LABraham@doc.gov]; Steven Clagett [Steven.Clagett@bis.doc.gov]; Jeff Bond [Jeff.Bond@bis.doc.gov]; Elan Mitchell-Gee [Elan.Mitchell-Gee@bis.doc.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: From ATF to BIS -- responses to questions re: temporary imports for Commerce/BIS Cats 1-3

Thanks, Jasmeet.

[REDACTED]

[REDACTED]

Tim

-----Original Message-----

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Tuesday, November 27, 2018 5:51 PM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>
Cc: splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Abraham, Liz <LABraham@doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Elan Mitchell-Gee <Elan.Mitchell-Gee@bis.doc.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: FW: From ATF to BIS -- responses to questions re: temporary imports for Commerce/BIS Cats 1-3

[REDACTED]

[REDACTED]

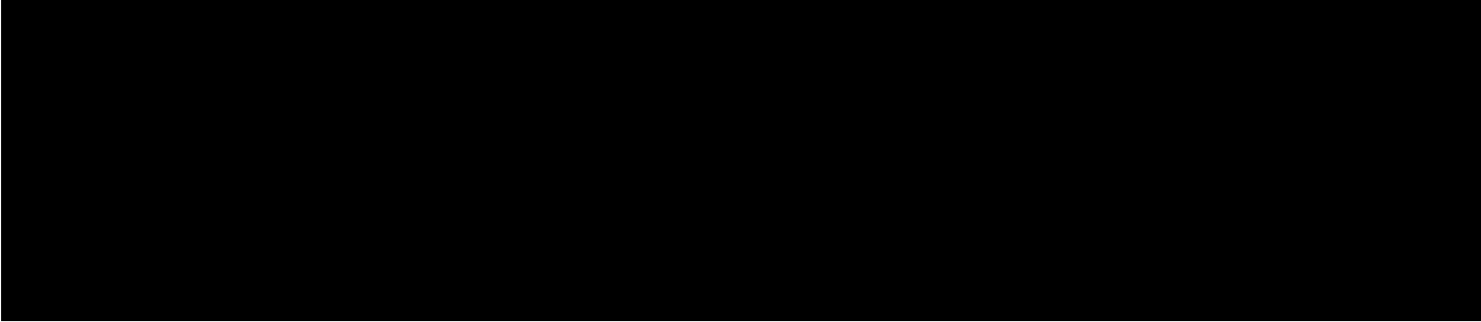
[REDACTED]

From: Seehra, Jasmeet K. EOP/OMB
Sent: Tuesday, November 27, 2018 5:41 PM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Abraham, Liz <LABraham@doc.gov>; splotnick@doc.gov; Steven Clagett <Steven.Clagett@bis.doc.gov>; Jeff Bond <Jeff.Bond@bis.doc.gov>; Elan Mitchell-Gee <Elan.Mitchell-Gee@bis.doc.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Subject: From ATF to BIS -- responses to questions re: temporary imports for Commerce/BIS Cats 1-3

Please see attached.

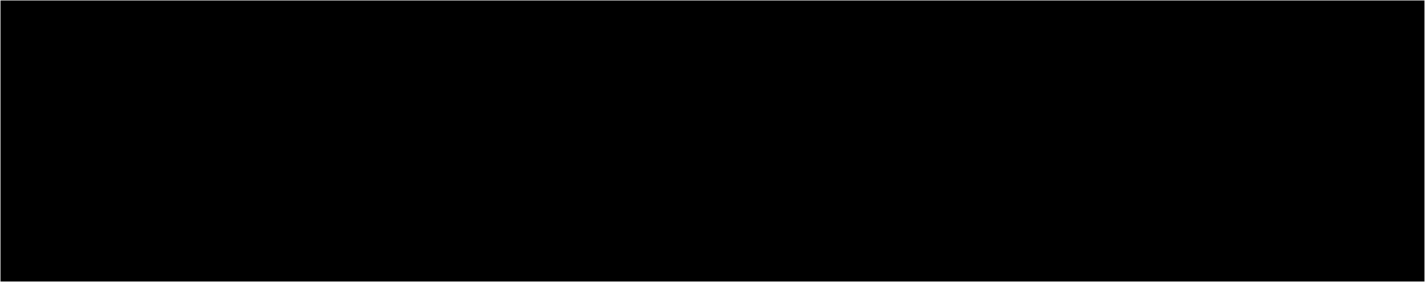
Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 11/28/2018 2:11:01 PM
To: Miller, Michael F [Millermf@state.gov]; McKeeby, David I [McKeebyDI@state.gov]; Dearth, Anthony M [DearthAM@state.gov]
CC: Paul, Joshua M [PaulJM@state.gov]
Subject: RE: For A-DAS Clearance: Roll-Out Plan for Cats I-III Final Rules
Attachments: 1119 Roll out Plan USML Cats I-III FINAL RULES.docx




Official
UNCLASSIFIED


From: Miller, Michael F <Millermf@state.gov>
Sent: Tuesday, November 27, 2018 8:49 PM
To: McKeeby, David I <McKeebyDI@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Dearth, Anthony M <DearthAM@state.gov>
Cc: Paul, Joshua M <PaulJM@state.gov>
Subject: RE: For A-DAS Clearance: Roll-Out Plan for Cats I-III Final Rules



From: McKeeby, David I <McKeebyDI@state.gov>
Date: November 27, 2018 at 5:02:24 PM EST
To: Miller, Michael F <Millermf@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>, Dearth, Anthony M <DearthAM@state.gov>
Cc: Paul, Joshua M <PaulJM@state.gov>
Subject: RE: For A-DAS Clearance: Roll-Out Plan for Cats I-III Final Rules

Mike:

Thanks – revised version attached 



[REDACTED]

[REDACTED]

Let me know if this works.

Thanks,
Dave

David I. McKeeby
Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]
✉ e-mail: mckeebydi@state.gov | 🌐 Web: www.state.gov/t/pm | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

Stay connected with *State.gov*:



From: Miller, Michael F <Millermf@state.gov>
Sent: Tuesday, November 27, 2018 10:35 AM
To: McKeeby, David I <McKeebyDI@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Dearth, Anthony M <DearthAM@state.gov>
Cc: Paul, Joshua M <PaulJM@state.gov>
Subject: Fwd: For A-DAS Clearance: Roll-Out Plan for Cats I-III Final Rules

Thanks Dave, [REDACTED]

[REDACTED]

MM

From: McKeeby, David I <McKeebyDI@state.gov>
Date: November 26, 2018 at 5:42:14 PM EST
To: Miller, Michael F <MillerMF@state.gov>
Cc: Dearth, Anthony M <DearthAM@state.gov>
Subject: For A-DAS Clearance: Roll-Out Plan for Cats I-III Final Rules

[REDACTED]

Thanks,
Dave

David I. McKeeby
Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]
✉ e-mail: mckeebydi@state.gov | 🌐 Web: www.state.gov/t/pm | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

Stay connected with *State.gov*:



From: Hart, Robert L <HartRL@state.gov>
Sent: Monday, November 26, 2018 4:33 PM
To: Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Thanks,

Rob Hart
202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Wednesday, November 21, 2018 12:09 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Official
UNCLASSIFIED

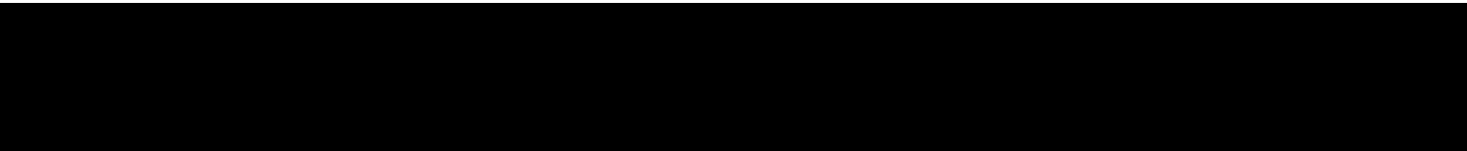
From: Heidema, Sarah J
Sent: Wednesday, November 21, 2018 11:36 AM
To: Paul, Joshua M <PaulJM@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: Re: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Josh-



Thanks and happy almost Thanksgiving,
Sarah

From: Paul, Joshua M <pauljm@state.gov>
Sent: Wednesday, November 21, 2018 11:13 AM
To: Hart, Robert L; Heidema, Sarah J; Monjay, Robert; PM-CPA
Cc: Ganzer, Ann K; Krueger, Thomas G; Noonan, Michael J
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition




Official - SBU
UNCLASSIFIED

From: Hart, Robert L
Sent: Wednesday, November 21, 2018 11:08 AM
To: Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert

<MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>

Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Paul, Joshua M

Sent: Wednesday, November 21, 2018 10:57 AM

To: Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>

Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Official - SBU
UNCLASSIFIED


From: Hart, Robert L

Sent: Wednesday, November 21, 2018 10:38 AM

To: Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>

Cc: Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Rob Hart
202.736.9221 | hartrl@state.gov

Official - SBU
UNCLASSIFIED

From: Paul, Joshua M
Sent: Wednesday, November 21, 2018 10:11 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Paul, Joshua M
Sent: Monday, November 19, 2018 3:50 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Hello,

Attached please find an updated roll out plan for your review – happy to discuss further.

Josh

Official - SBU
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Monday, November 19, 2018 10:30 AM
To: Paul, Joshua M <PaulJM@state.gov>; Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Paul, Joshua M
Sent: Monday, November 19, 2018 7:27 AM
To: Monjay, Robert <MonjayR@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>

Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Friday, November 16, 2018 5:16 PM
To: PM-CPA <PM-CPA@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: FW: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Josh and Co.,

[REDACTED]

Thanks
Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Friday, November 16, 2018 5:12 PM
To: Monjay, Robert <MonjayR@state.gov>
Cc: Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>
Subject: RE: State comments on Commerce's Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

[REDACTED]

Have a great weekend!


From: Monjay, Robert <MonjayR@state.gov>
Sent: Friday, November 16, 2018 5:00 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K. Seehra@omb.eop.gov>
Cc: Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>
Subject: RE: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Jasmeet,



Thanks
Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Email: MonjayR@state.gov

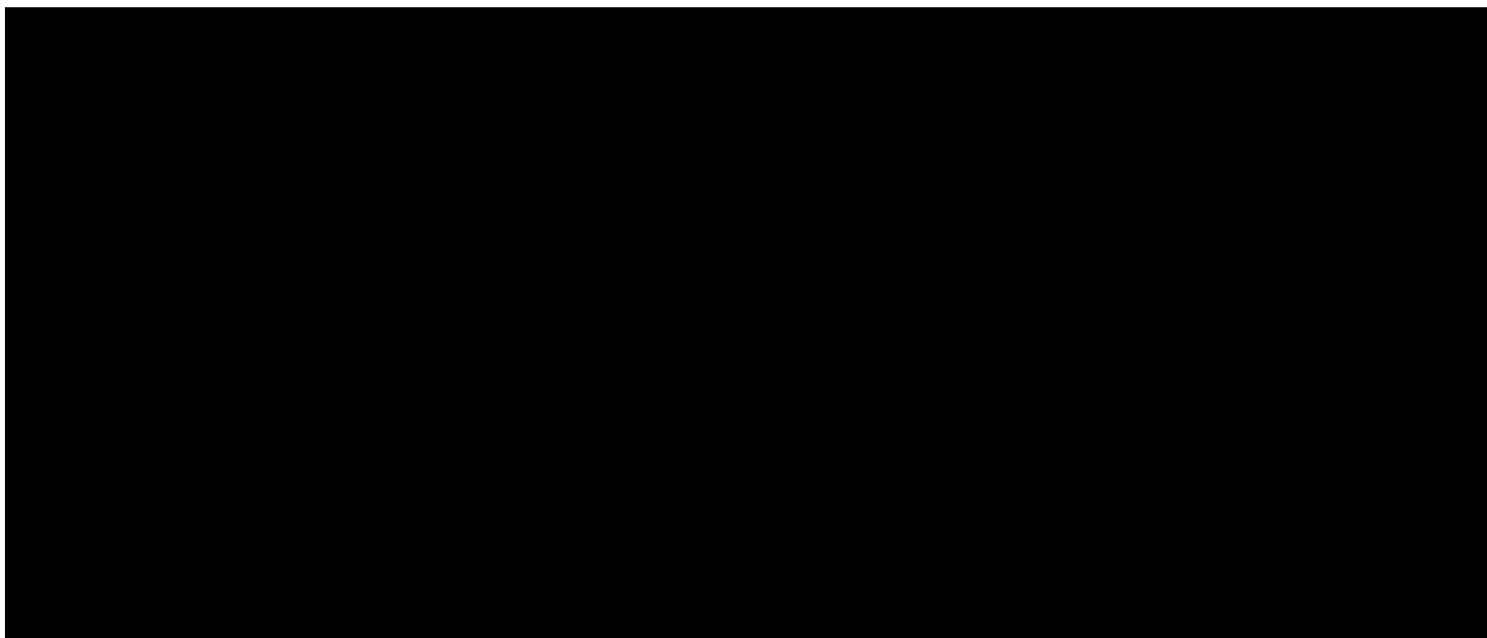


Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K. Seehra@omb.eop.gov>
Sent: Wednesday, November 7, 2018 12:56 PM
To: Monjay, Robert <MonjayR@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Ganzer, Ann K <GanzerAK@state.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; Robbins, Peter (Federal) <PRObbins@doc.gov>; Asha, Mathew <amathew@doc.gov>; Rogers, Shana A <RogersSA2@state.gov>; Heidi.Cohen@treasury.gov; Hanoi.Veras@treasury.gov; DHSOGCRegulations <DHSOGCRegulations@hq.dhs.gov>; 'DOE Reg Mailbox (GC-71energyregs@hq.doe.gov)' <GC-71energyregs@hq.doe.gov>; Jennings, Nanette (HQ-LA000) <nanette.jennings@nasa.gov>; Parker, Cheryl E. (HQ-LA000) <cheryl.e.parker@nasa.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>; Laychak, Michael R SES DTSA EO (US) <michael.r.laychak.civ@mail.mil>; Minnifield, Tracy J CIV DTSA LD (US) <tracy.j.minnifield.civ@mail.mil>; Mueller, Andrew J CIV DTSA LD (US) <andrew.j.mueller2.civ@mail.mil>; Rodriguez, Candice L CIV DTSA LD (US) <candice.l.rodriguez.civ@mail.mil>; Toppings, Patricia L CIV OSD ODCMO (US) <patricia.l.toppings.civ@mail.mil>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K. Seehra@omb.eop.gov>; Hunt, Alex T. EOP/OMB

<Alexander.T.Hunt@omb.eop.gov>; Theroux, Rich P. EOP/OMB <Richard.P.Theroux@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon.M.Joyce@omb.eop.gov>; Turner, Austin F. EOP/OMB <Austin.F.Turner@omb.eop.gov>; Vanka, Sarita EOP/OMB <Sarita.Vanka@omb.eop.gov>; McGinnis, Kevin E. EOP/OMB <Kevin.E.McGinnis@omb.eop.gov>; Nye, Joseph B. EOP/OMB <Joseph.B.Nye@omb.eop.gov>

Subject: For Comment by COB on November 16th -- Final State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 11/29/2018 2:41:12 PM
To: Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Shin, Jae E [ShinJE@state.gov]; Hamilton, CatherineE [HamiltonCE@state.gov]; Dearth, Anthony M [DearthAM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; PM-CPA [PM-CPA@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; McClung, Gailyn W [McClungGW@state.gov]; Abisellan, Eduardo [AbisellanE@state.gov]; Christopherson, Collin C [ChristophersonCC@state.gov]; Urena, Michael A [UrenaMA@state.gov]; Ravi, Sunil K [RaviSK@state.gov]; Blaha, Charles O [BlahaCO@state.gov]; Young, LaToya M [YoungLM2@state.gov]; Barron, Benjamin A [BarronBA@state.gov]; Cloutier, Marissa [CloutierM@state.gov]; Davis, Terry L [DavisTL@state.gov]; Gordon, Angela J [GordonAJ@state.gov]; Lorman, AmandaL [LormanAL@state.gov]; Miller, Asa G [MillerAG4@state.gov]; P/EUR Duty Officer [P-EURDuty@state.gov]
CC: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]
Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T.docx; USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters).docx; USML Cat I-III 38(f) - AM to T Tab 2 (Revised Control Text).docx; USML Cat I-III 38(f) - AM to T Tab 3 (Line-in Line-out Comparison).docx; USML Cat I-III 38(f) - AM to T Tab 4 (DRAFT Commerce control text).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary).docx; USML Cat I-III 38(f) - AM to T Tab 6 (MDE List).docx

Colleagues,

Thanks,
 John

From: Monjay, Robert <MonjayR@state.gov>
Sent: Thursday, November 29, 2018 9:09 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL.

[REDACTED]
[REDACTED]
Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]


Email: MonjayR@state.gov
[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 11/29/2018 3:29:57 PM
To: Robinson, Stuart J. (CIV) [Stuart.J.Robinson@usdoj.gov]; Eric Soskin(Eric.Soskin@usdoj.gov) [Eric.Soskin@usdoj.gov]; Myers, Steven A. (CIV) [Steven.A.Myers@usdoj.gov]
Subject: FW: DDTC Response Team Email Volume
Attachments: Phil in 06040: please stop the release of downloadable guns; Patti in 98003: please stop the release of downloadable guns



Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Dearth, Anthony M <DearthAM@state.gov>
Sent: Wednesday, August 01, 2018 9:33 AM
To: Paul, Joshua M <PaulJM@state.gov>; PM-CPA <PM-CPA@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: DDTC Response Team Email Volume

For your Situational Awareness.

3D Gun Related Email Counts

- Everytown – 115,233
- Everytown2 – 13,963 and counting
- 3D Emails – 563 and counting
- Overall Total – **129,759** and counting

v/r, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
United States Department of State
Office: 202-663-2836

Official
UNCLASSIFIED

From: Pritchard, Edward W
Sent: Wednesday, August 01, 2018 9:29 AM
To: Dearth, Anthony M <DearthAM@state.gov>; Wrege, Karen M <WregeKM@state.gov>
Cc: Willbrand, Ryan T <WillbrandRT@state.gov>
Subject: Response Team Email Box

I have organized all of the DDTC Response Team's 3d Gun related emails, in order to report accurately on them and allow the response team to continue working without the need to sort through them. Below is an explanation of the emails followed by the latest screen shot.

Organized

- **Everytown** folder consists of all emails from **last week** (7/23/2018 – 7/28/2018) sent from Everytown.
 - I moved ALL Everytown's emails from last week (7/23/2018 – 7/28/2018) that were in the DDTC Response team's **Inbox**, **Deleted**, and **EveryTown2** folder to the **Everytown** folder.
 - Note: The Everytown emails were bounced back from 7/24/2018 at 4:07 PM through 7/27/2018 at 9:39 PM and were not received by DDTC Response Team.
- **Everytown2** folder consists of all emails from **this week** (7/29/2018 – present) sent from EveryTown.
 - I moved ALL Everytown's emails from this week (7/29/2018 – present) that were in the DDTC Response team's **Inbox**, **Deleted**, and **Everytown** folder to the **Everytown2** folder.
 - All incoming Everytown emails will only go into this folder.
- **3D Emails** folder consists of all remaining emails since last week (7/23/2018 – present) that are related to the Downloadable 3D Guns, but were not sent from Everytown.

Please let me know if you have any questions.

Thank you

Edward Pritchard

IT Program Manager
U.S. Department of State
PM/DDTC/DTCM
SA-1 Room # H1205-1
P (202) 663-2799
PritchardEW@state.gov



For more information or guidance on USML export controls, please see the following link:
www.pmdtdtc.state.gov

Official

UNCLASSIFIED

Message

From: Mrs Phil Sawyer [bounce@list.everytown.org]
Sent: 7/24/2018 12:32:24 PM
To: DDTTC Response Team [DDTCResponseTeam@state.gov]
Subject: Phil in 06040: please stop the release of downloadable guns

Dear Secretary Pompeo,

Please stop the release of downloadable files that will allow people, including convicted felons and terrorists, to make untraceable guns on their 3D printers.

Do-it-yourself, downloadable guns are incredibly dangerous. The State Department is planning a special exemption letting the company Defense Distributed release schematics for these guns – information that would enable terrorists, convicted felons and domestic abusers to simply download files online and print their own illegal and untraceable guns. It's unconscionable to allow criminals to print untraceable guns on demand – and Defense Distributed says it will post its plans on August 1.

The State Department can act to prevent this deadly and dangerous outcome. It should not grant this special exemption to endanger the public – and instead should continue to block this deadly information from being published online.

Thank you,

Mrs Phil Sawyer in 06040

<<http://track.sp.actionkit.com/q/cQJXxAZUJkM-cbEh2ochZQ~~/AAAAQA~/RgRd0aFaP1cEd2F3ZEIKAAJaHFdbLXkxt1IaZGR0Y3J1c3BvbN1dGVhbUBzdGF0ZS5nb3ZYBAAAFg~>>

Message

From: Patti Rader [bounce@list.everytown.org]
Sent: 7/24/2018 12:31:27 PM
To: DDTC Response Team [DDTCResponseTeam@state.gov]
Subject: Patti in 98003: please stop the release of downloadable guns

Dear Secretary Pompeo,

Please stop the release of downloadable files that will allow people, including convicted felons and terrorists, to make untraceable guns on their 3D printers.

Do-it-yourself, downloadable guns are incredibly dangerous. The State Department is planning a special exemption letting the company Defense Distributed release schematics for these guns – information that would enable terrorists, convicted felons and domestic abusers to simply download files online and print their own illegal and untraceable guns. It's unconscionable to allow criminals to print untraceable guns on demand – and Defense Distributed says it will post its plans on August 1.

The State Department can act to prevent this deadly and dangerous outcome. It should not grant this special exemption to endanger the public – and instead should continue to block this deadly information from being published online.

Thank you,

Patti Rader in 98003

<<http://track.sp.actionkit.com/q/QFEsuImQ64UELity0jLvVA~~/AAAAAQ~ /RgRdOaEiPlcEd2F3ZEIKAAciHFdbjhUY1FIaZGR0Y3Jlc3BvbnNldGVhbUBzdGF0ZS5nb3ZYBAAAFg~>>

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 11/29/2018 5:59:58 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: Status of State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition
Attachments: Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF).docx; Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF) clean.docx

Rob Hart
 202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Thursday, November 29, 2018 12:45 PM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

From: Monjay, Robert <MonjayR@state.gov>
Sent: Tuesday, November 27, 2018 4:10 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>; 'Grossman, Beth (Federal) (bgrossman@doc.gov)' <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Joyce, Shannon M. EOP/OMB <Shannon_M.Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Jasmeet,

Thanks
 Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Sent: Tuesday, November 20, 2018 9:32 AM

To: Plotnick, Sarah (Federal) <splotnick@doc.gov>; 'Grossman, Beth (Federal)' (bgrossman@doc.gov)' <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>

Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>

Subject: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/29/2018 6:46:24 PM
To: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: Status of State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

From: Hart, Robert L <HartRL@state.gov>
Sent: Thursday, November 29, 2018 1:00 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Rob Hart
 202.736.9221 | hartrl@state.gov

Official
 UNCLASSIFIED


From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Thursday, November 29, 2018 12:45 PM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

From: Monjay, Robert <MonjayR@state.gov>
Sent: Tuesday, November 27, 2018 4:10 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Plotnick, Sarah (Federal) <splotnick@doc.gov>;

'Grossman, Beth (Federal) (bgrossman@doc.gov)' <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>

Subject: RE: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition

Jasmeet,



Thanks

Rob

Official - SBU
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Tuesday, November 20, 2018 9:32 AM
To: Plotnick, Sarah (Federal) <splotnick@doc.gov>; 'Grossman, Beth (Federal) (bgrossman@doc.gov)' <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: DHS comments on State and Commerce Export Reform Rules for Categories I-III on firearms, armaments, and ammunition



Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 11/30/2018 2:44:03 PM
To: Hinchman, Robert (OLP) [Robert.Hinchman@usdoj.gov]; Gormsen, Eric T(OLP) [Eric.T.Gormsen@usdoj.gov]; Jones, Kevin R (OLP) [Kevin.R.Jones@usdoj.gov]; Mueller, Andrew J CIV DTSA LD (US) [andrew.j.mueller2.civ@mail.mil]; Laychak, Michael R SES DTSA EO (US) [michael.r.laychak.civ@mail.mil]; Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]; Minnifield, Tracy J CIV DTSA LD (US) [tracy.j.minnifield.civ@mail.mil]; Dodd, Timothy [timothy.dodd@HQ.DHS.GOV]; DHSOGCRegulations [DHSOGCRegulations@hq.dhs.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Hart, Robert L [HartRL@state.gov]; Krueger, ThomasG [KruegerTG@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay,Robert [MonjayR@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Timothy Mooney [Timothy.Mooney@bis.doc.gov]; splotnick@doc.gov; Steven Clagett [Steven.Clagett@bis.doc.gov]; Abraham,Liz [LABraham@doc.gov]; Jeff Bond [Jeff.Bond@bis.doc.gov]; Elan Mitchell-Gee [Elan.Mitchell-Gee@bis.doc.gov]; Hillary Hess [Hillary.Hess@bis.doc.gov]; Karen NiesVogel [Karen.NiesVogel@bis.doc.gov]; Alexander Lopes [Alexander.Lopes@bis.doc.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Kouts, JodiL. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; McManus, Michael J. EOP/OMB [Michael.J.McManus@omb.eop.gov]
Subject: For Comment by COB on Monday, December 3rd -- Materials Responding to Agency Comments on State and Commerce Export Control Rules for Categories 1-3
Attachments: 2018-11-28 State and BIS responses to DHS Comments to DDTC and BIS Draft....docx; 2018-11-29 Redline Commerce Cat I-III firearms rule_0694-AF47_responding....docx; 2018-11-29 Clean Commerce Cat I-III firearms rule_0694-AF47_responding t....docx; Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF).docx; Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF) clean.docx

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 12/3/2018 2:15:15 PM
To: Shufflebarger, Jamie [ShufflebargerJ@state.gov]; Urena, Michael A [UrenaMA@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: Reminder - Urgent Clearance Request by Noon Today - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters).docx; USML Cat I-III 38(f) - AM to T Tab 2 (Revised Control Text).docx; USML Cat I-III 38(f) - AM to T Tab 3 (Line-in Line-out Comparison).docx; USML Cat I-III 38(f) - AM to T Tab 4 (DRAFT Commerce control text).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary).docx; USML Cat I-III 38(f) - AM to T Tab 6 (MDE List).docx; USML Cat I-III 38(f) - AM to T.docx

Importance: High

Jamie, Mike, and Thomas,

Best,
 John

From: Foster, John A

Sent: Friday, November 30, 2018 10:18 AM

To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III

Importance: High

Colleagues,

Best,
 John

From: Foster, John A

Sent: Thursday, November 29, 2018 9:41 AM

To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A

<RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Colleagues,

Thanks,
John

From: Monjay, Robert <MonjayR@state.gov>

Sent: Thursday, November 29, 2018 9:09 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL.

Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov

[REDACTED]

Official - SBU
UNCLASSIFIED

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 12/3/2018 4:57:48 PM
To: Foster, John A [FosterJA2@state.gov]; Shin, Jae E [ShinJE@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T (LPM) (DTCC).docx; USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters) (DTCC).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary) (LPM, DTCP (SH), DTCC).docx

Jae,

[REDACTED]

[REDACTED]

Regards,

MJN

From: Foster, John A <FosterJA2@state.gov>
Sent: Thursday, November 29, 2018 9:41 AM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Colleagues,

[REDACTED]

Thanks,
 John

From: Monjay, Robert <MonjayR@state.gov>
Sent: Thursday, November 29, 2018 9:09 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K

<RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL. [REDACTED]

[REDACTED]

Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov

[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 12/3/2018 5:36:42 PM
To: PM-Staffers Mailbox [PM-StaffersMailbox@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: PM FO Clearance Request - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T.docx; USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters).docx; USML Cat I-III 38(f) - AM to T Tab 2 (Revised Control Text).docx; USML Cat I-III 38(f) - AM to T Tab 3 (Line-in Line-out Comparison).docx; USML Cat I-III 38(f) - AM to T Tab 4 (DRAFT Commerce control text).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary).docx; USML Cat I-III 38(f) - AM to T Tab 6 (MDE List).docx

Importance: High

Staff Assistants,

From: Foster, John A
Sent: Monday, December 3, 2018 11:08 AM
To: PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>
Subject: Flagging Incoming Quick-Turn FO Clearance Request Today - AM to T - 38(f) Package on USML Cats I-III
Importance: High

Staff Assistants,

Best,
John

John A. Foster

Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

From: Monjay, Robert <MonjayR@state.gov>

Sent: Thursday, November 29, 2018 9:09 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL [REDACTED]

[REDACTED]

Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov

Official - SBU

UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 12/3/2018 5:45:35 PM
To: Kottmyer, Alice M [KottmyerAM@state.gov]
Subject: RE: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III
Attachments: RE: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III; RE: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III

Alice,
FYI-I cleared with some edits.

Shana

Official
UNCLASSIFIED

From: Kottmyer, Alice M <KottmyerAM@state.gov>
Sent: Monday, December 03, 2018 12:44 PM
To: Foster, John A <FosterJA2@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: Kottmyer, Alice M <KottmyerAM@state.gov>
Subject: RE: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

[REDACTED]

Thanks
Alice

From: Foster, John A <FosterJA2@state.gov>
Sent: Thursday, November 29, 2018 9:41 AM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Colleagues,

[REDACTED]

Thanks,
John

From: Monjay, Robert <MonjayR@state.gov>

Sent: Thursday, November 29, 2018 9:09 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL. [REDACTED]

Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov

Official - SBU

UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 12/3/2018 1:49:30 PM
To: Foster, John A [FosterJA2@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: RE: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T (LPM).docx

[REDACTED]

Official - SBU
UNCLASSIFIED

From: Rogers, Shana A
Sent: Friday, November 30, 2018 4:13 PM
To: Foster, John A <FosterJA2@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: RE: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III

John,

[REDACTED]

[REDACTED]

Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Foster, John A <FosterJA2@state.gov>
Sent: Friday, November 30, 2018 10:18 AM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Reminder - Clearance Request by Monday at Noon - 38(f) Package on USML Cats I-III
Importance: High

Colleagues,

[REDACTED]

Best,
John

From: Foster, John A

Sent: Thursday, November 29, 2018 9:41 AM

To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Colleagues,

[REDACTED]

Thanks,
John

From: Monjay, Robert <MonjayR@state.gov>

Sent: Thursday, November 29, 2018 9:09 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>

Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>

Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov
[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: Blaha, Charles O [BlahaCO@state.gov]
Sent: 12/3/2018 5:52:18 PM
To: Foster, John A [FosterJA2@state.gov]
Subject: RE: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Official
UNCLASSIFIED

From: Foster, John A <FosterJA2@state.gov>
Sent: Thursday, November 29, 2018 9:41 AM
To: Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance Request by 12/3 at Noon - 38(f) Package on USML Cats I-III

Colleagues,

Thanks,
 John

From: Monjay, Robert <MonjayR@state.gov>
Sent: Thursday, November 29, 2018 9:09 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance for 38(f) Package on USML Cats I-III

All,

Attached please find the AM to T and attachments to begin the AECA 38(f) notification to congress for the movement of items in USML Categories I-III to the CCL. [REDACTED]

[REDACTED]

Thank you

Rob

Robert J. Monjay

U.S. Department of State

Office of Defense Trade Controls Policy

Phone: 202.663.2817

Mobile: [REDACTED]

Email: MonjayR@state.gov

[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: McKeeby, David I [McKeebyDI@state.gov]
Sent: 12/3/2018 6:19:55 PM
To: Legal-PM-DL [Legal-PM-DL@state.gov]
Subject: For L Clearance: Draft Roll-Out Plan
Attachments: 1119 Roll out Plan USML Cats I-III FINAL RULES.docx

L Colleagues:

[REDACTED]

Thanks,
Dave

David I. McKeeby
Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]
✉ e-mail: mckeebydi@state.gov | 🌐 Web: www.state.gov/t/pm | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

Stay connected with *State.gov*:



Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 12/3/2018 10:44:05 PM
To: Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Krueger, ThomasG [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: Commerce Comments on State Rule on Cats -13
Attachments: 2018-12-3 BIS redline edits to Cat I-III FR - FRN 10 (DOS response to DOD BIS ATF) clean.docx

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 12/4/2018 2:27:04 AM
To: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; splotnick@doc.gov; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; McManus, Michael J. EOP/OMB [Michael.J.McManus@omb.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]
Subject: Re: Status of State and Commerce rules on Cats 1-3

[REDACTED]

[REDACTED]

On Dec 3, 2018, at 8:33 PM, Timothy Mooney <Timothy.Mooney@bis.doc.gov> wrote:

Jasmeet,
[REDACTED]

[REDACTED]

Tim

Tim Mooney
Senior Export Policy Analyst
Regulatory Policy Division
Bureau of Industry and Security

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Monday, December 03, 2018 5:54 PM
To: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; McManus, Michael J. EOP/OMB <Michael.J.McManus@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>
Subject: Status of State and Commerce rules on Cats 1-3

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 12/4/2018 3:34:57 PM
To: Nagy, Nathan [NagyN@state.gov]
Subject: RE: For L Clearance: Draft Roll-Out Plan

Great, thanks for the quick response.

Official - Transitory
UNCLASSIFIED

From: Nagy, Nathan <NagyN@state.gov>
Sent: Tuesday, December 04, 2018 10:34 AM
To: Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: For L Clearance: Draft Roll-Out Plan

[REDACTED]
[REDACTED] No edits from me on that or elsewhere in the document.

Nathan Nagy
Office of the Legal Adviser
U.S. Department of State
2201 C St. NW, Room 4531
Washington, DC 20520
202-647-1102
NagyN@state.gov

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Tuesday, December 4, 2018 9:06 AM
To: Kottmyer, Alice M <KottmyerAM@state.gov>; Pompian, Shawn M <PompianSM@state.gov>; Nagy, Nathan <NagyN@state.gov>
Subject: FW: For L Clearance: Draft Roll-Out Plan

Alice, Shawn, Nathan
I'd appreciate your review of the attached [REDACTED]
[REDACTED]

Thanks,

Shana

Official - SBU (Deliberative Process, Attorney Work Product)

UNCLASSIFIED

From: McKeeby, David I <McKeebyDI@state.gov>

Sent: Monday, December 03, 2018 1:20 PM

To: Legal-PM-DL <Legal-PM-DL@state.gov>

Subject: For L Clearance: Draft Roll-Out Plan

L Colleagues:

[REDACTED]

Thanks,
Dave

David I. McKeeby

Office of Congressional & Public Affairs

Bureau of Political-Military Affairs (PM/CPA)

U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]

✉ e-mail: mckeebydi@state.gov | 🌐 Web: www.state.gov/t/pm | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

Stay connected with *State.gov*:



Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 12/4/2018 4:00:44 PM
To: svcSMARTCrossLow_SMG [svcSMARTCrossLowAA@smg.state.gov]
Subject: roll out
Attachments: 1119 Roll out Plan USML Cats I-III FINAL RULES.docx

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls
Department of State
202-663-2809

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 12/10/2018 10:32:02 PM
To: Gormsen, Eric T (OLP) [Eric.T.Gormsen@usdoj.gov]; Jones, Kevin R (OLP) [Kevin.R.Jones@usdoj.gov]; Hinchman, Robert (OLP) [Robert.Hinchman@usdoj.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]
CC: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; McManus, Michael J. EOP/OMB [Michael.J.McManus@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; splotnick@doc.gov
Subject: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition
Attachments: 2018-12-7 CLEAN BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; 2018-12-7 Redline BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; Cat I-III FR - FRN 11 Clean.docx; Cat I-III FR - FRN 11 (OIRA Edit Accepted).docx

Folks



Thanks!

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 12/11/2018 12:51:06 PM
To: Noonan, Michael J [NoonanMJ@state.gov]; Foster, John A [FosterJA2@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: FW: For Comment by SPM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition
Attachments: 2018-12-7 CLEAN BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; 2018-12-7 Redline BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; Cat I-III FR - FRN 11 Clean.docx; Cat I-III FR - FRN 11 (OIRA Edit Accepted).docx

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Monday, December 10, 2018 5:32 PM
To: Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Jones, Kevin R (OLP) <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; McManus, Michael J. EOP/OMB <Michael.J.McManus@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; splotnick@doc.gov
Subject: For Comment by SPM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

Folks

Thanks!

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 12/11/2018 6:16:21 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; Peckham, Yvonne M [PeckhamYM@state.gov]; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]
CC: Joyce, Shannon M. EOP/OMB [Shannon_M_Joyce@omb.eop.gov]; McManus, Michael J. EOP/OMB [Michael.J.McManus@omb.eop.gov]; Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; splotnick@doc.gov
Subject: RE: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

Jasmeet-

[REDACTED]

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Monday, December 10, 2018 5:32 PM
To: Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Jones, Kevin R (OLP) <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; McManus, Michael J. EOP/OMB <Michael.J.McManus@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; splotnick@doc.gov
Subject: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

Folks

[REDACTED]

Thanks!

Message

From: Noonan, Michael J [NoonanMJ@state.gov]
Sent: 12/11/2018 8:16:13 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]
Subject: RE: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

[REDACTED]

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Tuesday, December 11, 2018 7:51 AM
To: Noonan, Michael J <NoonanMJ@state.gov>; Foster, John A <FosterJA2@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: FW: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

[REDACTED]

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Monday, December 10, 2018 5:32 PM
To: Gormsen, Eric T (OLP) <Eric.T.Gormsen@usdoj.gov>; Jones, Kevin R (OLP) <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert (OLP) <Robert.Hinchman@usdoj.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Peckham, Yvonne M <PeckhamYM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>
Cc: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Joyce, Shannon M. EOP/OMB <Shannon_M_Joyce@omb.eop.gov>; McManus, Michael J. EOP/OMB <Michael.J.McManus@omb.eop.gov>; Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; splotnick@doc.gov
Subject: For Comment by 5PM on Tuesday, December 11th -- Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition

Folks

[REDACTED]

Thanks!

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 12/12/2018 3:41:46 PM
To: Sarah Plotnick [splotnick@doc.gov]; Timothy.Mooney@bis.doc.gov; Robert Hart [HartRL@state.gov]; Sarah Heidman [HeidemaSJ@state.gov]; Robert Monjay [MonjayR@state.gov]; Thomas G Krueger [KruegerTG@state.gov]; Alice M Kottmyer [KottmyerAM@state.gov]; BethGrossman (Federal) [bgrossman@doc.gov]; Asha Mathew [amathew@doc.gov]; Peter Robbins [PRobbins@doc.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: Fwd: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)
Attachments: ATF comments 12-11-18 - 2018-12-7 Redline BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; ATT00001.htm

[REDACTED]

[REDACTED]

Begin forwarded message:

From: "Gormsen, Eric T (OLP)" <Eric.T.Gormsen@usdoj.gov>
Date: December 12, 2018 at 10:36:15 AM EST
To: "Seehra, Jasmeet" <Jasmeet_K._Seehra@omb.eop.gov>
Cc: "Hinchman, Robert (OLP)" <Robert.Hinchman@usdoj.gov>, "Jones, Kevin R (OLP)" <Kevin.R.Jones@usdoj.gov>
Subject: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

December 12, 2018

Jasmeet,

[REDACTED]

[REDACTED]

Thanks,

Eric

Signed ...
--- Eric Taylor Gormsen ---
Office of Legal Policy
Department of Justice

[REDACTED]
Fax: [REDACTED]

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 12/12/2018 5:18:50 PM
To: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K_Seehra@omb.eop.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; splotnick@doc.gov; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; bgrossman@doc.gov; Mathew, Asha [amathew@doc.gov]; Robbins, Peter [PRObbins@doc.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Rogers, Shana A [RogersSA2@state.gov]; Matthew Borman [Matthew.Borman@bis.doc.gov]; Richard Ashooh [Richard.Ashooh@bis.doc.gov]; Hillary Hess [Hillary.Hess@bis.doc.gov]; Abraham, Liz [LABraham@doc.gov]; Steven Clagett [Steven.Clagett@bis.doc.gov]
Subject: RE: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)
Attachments: 2018-12-12 Redline BIS response to ATF comments 12-11-18 - 2018-12-7 Redline BIS responses to ATF 12-3-18 comments on Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx; 2018-12-12 CLEAN Commerce Cat I-III firearms rule_0694-AF47 - for sending to OMB.docx

Jasmeet,

[REDACTED]

[REDACTED]

Tim

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 11:28 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

[REDACTED]

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Wednesday, December 12, 2018 10:52 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Sarah Plotnick <splotnick@doc.gov>; Timothy.Mooney@bis.doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRObbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 10:42 AM
To: Sarah Plotnick <splotnick@doc.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRobbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: Fwd: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Begin forwarded message:

From: "Gormsen, Eric T (OLP)" <Eric.T.Gormsen@usdoj.gov>
Date: December 12, 2018 at 10:36:15 AM EST
To: "Seehra, Jasmeet" <Jasmeet_K_Seehra@omb.eop.gov>
Cc: "Hinchman, Robert (OLP)" <Robert.Hinchman@usdoj.gov>, "Jones, Kevin R (OLP)" <Kevin.R.Jones@usdoj.gov>
Subject: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

December 12, 2018

Jasmeet,

Thanks,

Eric

Signed ...
--- Eric Taylor Gormsen ---
Office of Legal Policy
Department of Justice

Fax:

Message

From: Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]
Sent: 12/12/2018 5:35:50 PM
To: Timothy Mooney [Timothy.Mooney@bis.doc.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; splotnick@doc.gov; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; bgrossman@doc.gov; Mathew, Asha [amathew@doc.gov]; Robbins, Peter [PRObbins@doc.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]; Rogers, Shana A [RogersSA2@state.gov]; Abraham, Liz [LABraham@doc.gov]
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Wednesday, December 12, 2018 11:40 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>; Abraham, Liz <LABraham@doc.gov>
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Jasmeet,

Tim

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 11:28 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Wednesday, December 12, 2018 10:52 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Sarah Plotnick <splotnick@doc.gov>; Timothy.Mooney@bis.doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger,

Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRobbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>
Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

[REDACTED]

[REDACTED]

[REDACTED]

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 10:42 AM
To: Sarah Plotnick <splotnick@doc.gov>; Timothy Mooney <bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRobbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: Fwd: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

[REDACTED]

[REDACTED]

Begin forwarded message:

From: "Gormsen, Eric T (OLP)" <Eric.T.Gormsen@usdoj.gov>
Date: December 12, 2018 at 10:36:15 AM EST
To: "Seehra, Jasmeet" <Jasmeet_K_Seehra@omb.eop.gov>
Cc: "Hinchman, Robert (OLP)" <Robert.Hinchman@usdoj.gov>, "Jones, Kevin R (OLP)" <Kevin.R.Jones@usdoj.gov>
Subject: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

December 12, 2018

Jasmeet,

[REDACTED]

[REDACTED]

Thanks,

Eric

Signed ...

--- Eric Taylor Gormsen ---

Office of Legal Policy

Department of Justice

Fax: [REDACTED]

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 12/12/2018 9:01:33 PM
To: Miller, Michael F [Millermf@state.gov]
Subject: FW: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Official

UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 4:00 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Subject: RE: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Wednesday, December 12, 2018 3:51 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Subject: RE: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Official

UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 1:09 PM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Abraham, Liz <LABraham@doc.gov>; Clagett, Steven <steven.clagett@bis.doc.gov>
Subject: RE: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Wednesday, December 12, 2018 12:19 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>;

splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>

Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>; Matthew Borman <Matthew.Borman@bis.doc.gov>; Richard Ashooh <Richard.Ashooh@bis.doc.gov>; Hillary Hess <Hillary.Hess@bis.doc.gov>; Abraham, Liz <LAbraham@doc.gov>; Steven Clagett <Steven.Clagett@bis.doc.gov>

Subject: RE: BIS responses to ATF comments for DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Jasmeet,

Tim

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Sent: Wednesday, December 12, 2018 11:28 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRObbins@doc.gov>

Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

From: Heidema, Sarah J <HeidemaSJ@state.gov>

Sent: Wednesday, December 12, 2018 10:52 AM

To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; Sarah Plotnick <splotnick@doc.gov>; Timothy.Mooney@bis.doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRObbins@doc.gov>

Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>; Rogers, Shana A <RogersSA2@state.gov>

Subject: RE: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

Official
UNCLASSIFIED

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 10:42 AM
To: Sarah Plotnick <splotnick@doc.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; Beth Grossman (Federal) <bgrossman@doc.gov>; Asha, Mathew <amathew@doc.gov>; Peter Robbins <PRObbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: Fwd: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

[REDACTED]

[REDACTED]

Begin forwarded message:

From: "Gormsen, Eric T (OLP)" <Eric.T.Gormsen@usdoj.gov>
Date: December 12, 2018 at 10:36:15 AM EST
To: "Seehra, Jasmeet" <Jasmeet_K_Seehra@omb.eop.gov>
Cc: "Hinchman, Robert (OLP)" <Robert.Hinchman@usdoj.gov>, "Jones, Kevin R (OLP)" <Kevin.R.Jones@usdoj.gov>
Subject: DOS-Revised State and Commerce Export Control Rules on Categories 1-3 -- Firearms and Ammunition (RIN 064-AF47 & 1400-AE30)

December 12, 2018

[REDACTED]

[REDACTED]

Thanks,

Eric

Signed ...
--- Eric Taylor Gormsen ---
Office of Legal Policy
Department of Justice
[REDACTED]
Fax: [REDACTED]

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 12/13/2018 6:00:10 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; Timothy Mooney [Timothy.Mooney@bis.doc.gov]; splotnick@doc.gov; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; bgrossman@doc.gov; Asha, Mathew [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Abraham, Liz [LAbraham@doc.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: Status of commerce and state cats 1-3 rules
Attachments: Cat I-III FR - FRN 13.docx

Thanks,

Rob Hart
 202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, December 13, 2018 11:43 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LAbraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

-----Original Message-----

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
Sent: Thursday, December 13, 2018 11:35 AM
To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LAbraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

-----Original Message-----

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Wednesday, December 12, 2018 8:29 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; splotnick@doc.gov; Robert Hart <HartRL@state.gov>; Sarah Heidman <HeidemaSJ@state.gov>; Robert Monjay <MonjayR@state.gov>; Thomas G Krueger <KruegerTG@state.gov>; Alice M Kottmyer <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LAbraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

Thanks, Jasmeet.

[REDACTED]

Tim

-----Original Message-----

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>

Sent: Wednesday, December 12, 2018 5:34 PM

To: splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Robert Hart <HartRL@state.gov>; Sarah Heidman <HeidemaSJ@state.gov>; Robert Monjay <MonjayR@state.gov>; Thomas G Krueger <KruegerTG@state.gov>; Alice M Kottmyer <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>

Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>

Subject: Status of commerce and state cats 1-3 rules

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Official

UNCLASSIFIED

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 12/13/2018 6:04:02 PM
To: Hart, Robert L [HartRL@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Seehra, Jasmeet K. EOP/OMB [Jasmeet_K._Seehra@omb.eop.gov]; splotnick@doc.gov; Monjay, Robert [MonjayR@state.gov]; Krueger, Thomas G [KruegerTG@state.gov]; Kottmyer, Alice M [KottmyerAM@state.gov]; bgrossman@doc.gov; Mathew, Asha [amathew@doc.gov]; Robbins, Peter [PRobbins@doc.gov]; Abraham, Liz [LAbraham@doc.gov]
CC: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: RE: Status of commerce and state cats 1-3 rules
Attachments: 2018-12-13 Final Clean Commerce Cat I-III firearms rule_0694-AF47 - fordocx

[REDACTED]

Tim

From: Hart, Robert L <HartRL@state.gov>
Sent: Thursday, December 13, 2018 1:00 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; splotnick@doc.gov; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LAbraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

[REDACTED]

Thanks,

Rob Hart
 202.736.9221 | hartrl@state.gov

Official
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, December 13, 2018 11:43 AM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LAbraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

[REDACTED]

-----Original Message-----

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K._Seehra@omb.eop.gov>
 Sent: Thursday, December 13, 2018 11:35 AM

To: Timothy Mooney <Timothy.Mooney@bis.doc.gov>; splotnick@doc.gov; Hart, Robert L <HartRL@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; bgrossman@doc.gov; Asha, Mathew <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LABraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

[REDACTED]

-----Original Message-----

From: Timothy Mooney <Timothy.Mooney@bis.doc.gov>
Sent: Wednesday, December 12, 2018 8:29 PM
To: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>; splotnick@doc.gov; Robert Hart <HartRL@state.gov>; Sarah Heidman <HeidemaSJ@state.gov>; Robert Monjay <MonjayR@state.gov>; Thomas G Krueger <KruegerTG@state.gov>; Alice M Kottmyer <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>; Abraham, Liz <LABraham@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: RE: Status of commerce and state cats 1-3 rules

Thanks, Jasmeet.

[REDACTED]

Tim

-----Original Message-----

From: Seehra, Jasmeet K. EOP/OMB <Jasmeet_K_Seehra@omb.eop.gov>
Sent: Wednesday, December 12, 2018 5:34 PM
To: splotnick@doc.gov; Timothy Mooney <Timothy.Mooney@bis.doc.gov>; Robert Hart <HartRL@state.gov>; Sarah Heidman <HeidemaSJ@state.gov>; Robert Monjay <MonjayR@state.gov>; Thomas G Krueger <KruegerTG@state.gov>; Alice M Kottmyer <KottmyerAM@state.gov>; bgrossman@doc.gov; Mathew, Asha <amathew@doc.gov>; Robbins, Peter <PRobbins@doc.gov>
Cc: Kouts, Jodi L. EOP/NSC <Jodi.L.Kouts@nsc.eop.gov>
Subject: Status of commerce and state cats 1-3 rules

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Official

UNCLASSIFIED

Message

From: Hart, Robert L [HartRL@state.gov]
Sent: 12/13/2018 7:48:52 PM
To: String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]; Carter, Rachel [CarterR@state.gov]
CC: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: USML Categories I-III: OIRA review complete
Importance: High

All, I'm happy to report that OIRA just concluded interagency rule on the State and Commerce firearms rules, which clears us to move on to next steps in the Congressional notification process as appropriate. Please let me know if you have any questions.

Thanks,

Rob Hart
Chief, Regulatory and Multilateral Affairs Division
Department of State | Directorate of Defense Trade Controls
202.736.9221 | hartrl@state.gov


Official
UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 12/13/2018 10:31:50 PM
To: Paul, Joshua M [PaulJM@state.gov]; Miller, Michael F [MillerMF@state.gov]; String, Marik A [StringMA@state.gov]
Subject: Re: T Feedback on Cats 1-3 38(f)




From: Paul, Joshua M <pauljm@state.gov>
Sent: Thursday, December 13, 2018 5:10 PM
To: Miller, Michael F; String, Marik A
Cc: Heidema, Sarah J
Subject: RE: T Feedback on Cats 1-3 38(f)




Official
UNCLASSIFIED

From: Miller, Michael F <MillerMF@state.gov>
Sent: Thursday, December 13, 2018 5:05 PM
To: String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>
Subject: RE: T Feedback on Cats 1-3 38(f)



From: String, Marik A <StringMA@state.gov>
Sent: Thursday, December 13, 2018 5:04 PM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: RE: T Feedback on Cats 1-3 38(f)



Official
UNCLASSIFIED

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, December 13, 2018 4:41 PM
To: String, Marik A <StringMA@state.gov>

Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <Millermf@state.gov>

Subject: T Feedback on Cats 1-3 38(f)

Dear Marik,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

Stay connected with *State.gov*:



This message is UNCLASSIFIED, per E.O. 12958

Official

UNCLASSIFIED

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 12/14/2018 2:01:32 PM
To: Kovar, Jeffrey D [KovarJD@state.gov]
Subject: RE: Lookaheads reminder
Attachments: 12181214_LPM.docx

Mine are attached.

Official - Transitory

UNCLASSIFIED

From: Kovar, Jeffrey D <KovarJD@state.gov>
Sent: Friday, December 14, 2018 8:49 AM
To: Legal-PM-DL <Legal-PM-DL@state.gov>
Subject: FW: Lookaheads reminder

Hi – please send my your blurbs by about 1pm today. Thanks.

Official - Transitory

UNCLASSIFIED

From: Kimball, Emily J <KimballEJ@state.gov>
Sent: Thursday, December 13, 2018 6:55 PM
To: Legal-ALAs-DL <Legal-ALAs-DL@state.gov>
Subject: Lookaheads reminder

Hi ALAs – Just a reminder to send lookaheads by COB tomorrow.

Many thanks!
Emily

L/PM

1. **ITAR Revisions:** On Dec. 13, OMB completed its review of final companion rules that will transfer export-control jurisdiction of certain firearms, ammunition, and related parts from State to Commerce. [REDACTED]

2. Washington v. Department of State [REDACTED]

Message

From: Foster, John A [FosterJA2@state.gov]
Sent: 12/18/2018 9:59:29 PM
To: Hart, Robert L [HartRL@state.gov]
Subject: FW: PM FO Clearance Request - 38(f) Package on USML Cats I-III
Attachments: USML Cat I-III 38(f) - AM to T.docx; USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters).docx; USML Cat I-III 38(f) - AM to T Tab 2 (Revised Control Text).docx; USML Cat I-III 38(f) - AM to T Tab 3 (Line-in Line-out Comparison).docx; USML Cat I-III 38(f) - AM to T Tab 4 (DRAFT Commerce control text).docx; USML Cat I-III 38(f) - AM to T Tab 5 (Summary).docx; USML Cat I-III 38(f) - AM to T Tab 6 (MDE List).docx

Importance: High

From: Foster, John A
Sent: Monday, December 3, 2018 12:37 PM
To: PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>
Subject: PM FO Clearance Request - 38(f) Package on USML Cats I-III
Importance: High

Staff Assistants,

From: Foster, John A
Sent: Monday, December 3, 2018 11:08 AM
To: PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>
Subject: Flagging Incoming Quick-Turn FO Clearance Request Today - AM to T - 38(f) Package on USML Cats I-III
Importance: High

Staff Assistants,

[REDACTED]

Best,
John

John A. Foster
Office of Defense Trade Control Policy
Bureau of Political-Military Affairs
U.S. Department of State
Tel: 202-663-2816
Email: FosterJA2@state.gov

From: Monjay, Robert <MonjayR@state.gov>
Sent: Thursday, November 29, 2018 9:09 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Shin, Jae E <ShinJE@state.gov>; Hamilton, Catherine E <HamiltonCE@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Kottmyer, Alice M <KottmyerAM@state.gov>; PM-CPA <PM-CPA@state.gov>; Krueger, Thomas G <KruegerTG@state.gov>; McClung, Gailyn W <McClungGW@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Christopherson, Collin C <ChristophersonCC@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Ravi, Sunil K <RaviSK@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Young, LaToya M <YoungLM2@state.gov>; Barron, Benjamin A <BarronBA@state.gov>; Cloutier, Marissa <CloutierM@state.gov>; Davis, Terry L <DavisTL@state.gov>; Gordon, Angela J <GordonAJ@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Miller, Asa G <MillerAG4@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>
Cc: PM-DTCP-RMA <PM-DTCP-RMA@state.gov>
Subject: Clearance for 38(f) Package on USML Cats I-III

All,
Attached please find the AM to T and attachments [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If you have any questions or concerns, you can contact me or Rob Hart
Thank you
Rob
Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817

Mobile:

Email: MonjayR@state.gov

Official - SBU

UNCLASSIFIED

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 12/21/2018 2:36:12 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: RE: can you please send me both PDF and word versions of the final State and commerce 1-3 rules?
Attachments: Cat I-III FR - FRN 13.docx; 2018-12-13 Final Clean Commerce Cat I-III firearms rule_0694-AF47.pdf; Cat I-III FR - FRN 13.pdf; 2018-12-13 Final Clean Commerce Cat I-III firearms rule_0694-AF47.docx

Official - SBU
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Friday, December 21, 2018 8:40 AM
To: Monjay, Robert <MonjayR@state.gov>
Subject: can you please send me both PDF and word versions of the final State and commerce 1-3 rules?

THanks

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls
Department of State
202-663-2809

Official
UNCLASSIFIED

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 12/28/2018 3:09:01 PM
To: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Miller, Michael F [MillerMF@state.gov]; Dearth, Anthony M [DearthAM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]
Subject: CPA Media Monitoring: New American: Downloads of 3D-Printed Firearms Increase After Judge Tries to Stop Them



Wednesday, 26 December 2018

Downloads of 3D-Printed Firearms Increase After Judge Tries to Stop Them

Written by [Bob Adelman](#)

A federal judge's [ruling](#) to limit the transfer of files allowing citizens to print their own guns using 3-D technology has resulted in exactly the opposite: The number of downloads of those files has exploded since his ruling in August.

It was Western Washington's District Court Judge Robert Lasnik who ordered the settlement between the Justice Department and Cody Wilson's company Defense Distributed to be suspended. He should have known better. He and other gun-grabbers such as New Jersey Governor Chris Murphy and Massachusetts Democrat Edward Markey are trying to play catch-up and instead are falling farther and farther behind.

It isn't that gun grabbers haven't tried. Within days of Cody Wilson displaying in May 2013 the single-shot pistol that he built using software and a 3-D printer (which he appropriately called "The Liberator") the Obama administration's Department of Justice demanded he take down those files.

It was too late. By the time Wilson got the letter and took down those offending files, they had been downloaded hundreds of thousands of times. Replication and echo websites around the world continued the multiplication process. The genie of firearms freedom was out of the bottle.

Wilson went on to other ventures. But in 2015 his company teamed up with the Second Amendment Foundation (SAF) to sue the Department of Justice, complaining that the department had violated Wilson's First Amendment-guaranteed right to free speech.

Fast forward to late July this year. Without fanfare the Department of Justice not only settled the lawsuit with Wilson and his company, it agreed to pay a large part of his legal fees as well.

Wilson was naturally delighted and put his people back to work on developing more files for more firearms to be made available for free for anyone who wanted them through his company. Said Wilson: "I have developers for anything and everything, some of the best talent in the world.... It's all

ready to go. I have interested stakeholders [and] a large network [of supporters who] care about what I do.... I am the internet.”

At *The New American*, we called the settlement a “rare and remarkable retreat”:

Surprisingly the U.S. Justice Department offered to settle the case, surrendering its pursuit of Cody and his code...

The long and short of the Justice Department’s rare and remarkable retreat is that publishing code that can be used to print a weapon capable of firing ammunition is now a constitutionally protected expression of free speech!...

It’s three years on and we have found out. We’ve found that in our day, firearms may be manufactured in diverse ways, and, as of July 10, 2018, using computer code to command a printer to produce a three-dimensional gun is [now] constitutionally protected free speech.

That is indeed a victory for liberty.

Alan Gottlieb of the SAF said the decision by the DOJ wasn’t political as much as it was practical. In court, the DOJ was likely to lose, and the department didn’t want to set a precedent. Said Gottlieb:

We asked for the Moon [figuring that] the government would reject it, but they didn’t want to go to trial. The government fought us all the way and then all of a sudden folded their tent.

These were all career people [in the DOJ] that we were dealing with. I don’t think there was anything political about it.

Wilson’s attorney Josh Blackman agreed: “They were going to lose this case. If the government litigated this case and they lost, this decision could be used to challenge other kinds of gun control laws [in the future].”

Enter Judge Lasnik. His ruling suspended the settlement but it didn’t faze Wilson. He read Lasnik’s ruling: “Regulation under the (Arms Export Control Act of 1976) means that the files cannot be uploaded to the internet but they can be emailed, mailed, securely transmitted, or otherwise published within the United States.” So now Wilson is selling his software instead of giving it away. He lets them set their own price and then emails or ships the code to them.

Wilson isn’t the only beneficiary of gun-grabbers’ attempts to shut down the flow of weapon-printing code. Within a single day of Lasnik’s ruling the website CodelsFreeSpeech.com, which posted eight sets of files, reported more than 100,000 hits and nearly 1.5 terabytes of data were downloaded. Brandon Combs, president of the Firearms Policy Coalition, which posted those files, said “Just in the past 48 hours I would be shocked if hundreds of thousands of people don’t [now] possess these files.” Combs gave credit to Wilson for opening the door: “Cody was the pioneer, and all credit goes to him and Defense Distributed. I just wanted to give the government another target, if that’s what they want to do.”

Anti-gunners are up in arms about all of this. New Jersey Governor Chris Murphy expressed his horror: "Ghost guns can be created by anyone with a computer and access to a 3D printer, giving the public at large the ability to build their own unregistered, unsafe and untraceable firearm." Massachusetts Democrat Senator Edward Markey was equally horrified at the turn of events: "That is absolute insanity to allow people to be able to download guns [sic: software] and then use them." When Markey was asked just how he would enforce laws prohibiting them since there were already so many files downloaded, he said the penalties "were still to be determined."

Wilson is delighted with Lasnik's ruling: "All that's happened here because of this judge's ruling is perhaps the doubling or tripling of the valuation of my own company," adding that "really what's at stake ... is simply the government's power to tell you what you can or can't have, or can or can't download online."

Thanks to the power of the Internet and the guarantees the Founders built into the Bill of Rights, gun-grabbers have been set back enormously in their efforts to disarm American citizens. That horse escaped from their barn years ago.

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at LightFromTheRight.com, primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 1/3/2019 2:17:52 PM
To: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: FW: Informal notification for removal of items from the U.S. Munitions List
Attachments: USML Cat I-III 38(f) - MDE List.pdf; USML Cat I-III 38(f) - Line-in Line-out Comparison.pdf; USML Cat I-III 38(f) - Commerce control text.pdf; USML Cat I-III 38(f) - Notification Letters.pdf; USML Cat I-III 38(f) - Revised Control Text.pdf

FYSA and Happy New Year!

Official

UNCLASSIFIED

From: Heidema, Sarah J
Sent: Thursday, January 3, 2019 8:59 AM
To: 'Tom_Callahan@foreign.senate.gov' <Tom_Callahan@foreign.senate.gov>; 'Doug.Anderson@mail.house.gov' <Doug.Anderson@mail.house.gov>; 'David_Fite@foreign.senate.gov' <David_Fite@foreign.senate.gov>; 'Edmund.Rice@mail.house.gov' <Edmund.Rice@mail.house.gov>; 'Stacie_Oliver@foreign.senate.gov' <Stacie_Oliver@foreign.senate.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; 'Laychak, Michael R SES DTSA EO (US)' <michael.r.laychak.civ@mail.mil>; Matthew Borman <Matthew.Borman@bis.doc.gov>
Subject: Informal notification for removal of items from the U.S. Munitions List

This email provides the documents that begin the 30-day informal notification period for the removal of items from the U.S. Munitions List (USML) Categories I-III. This notification proceeds the statutorily required 30-day notification period for removals of items from the USML pursuant to AECA section 38(f). This package of documents contains the draft letters that will transmit the formal notification, a summary of the revisions to USML Categories I-III, copies of the revised USML Category I-III; line-in/line-out comparisons of the current USML Categories I-III and the revised version; and a copy of the Department of Commerce's companion regulatory text describing new or revised Export Control Classification Numbers (ECCNs) that will control the transitioning items.

Department of State personnel, along with our interagency colleagues, are available to answer any questions you may have related to the attached and would be please to provide you a briefing on the changes outlined in these rules.

Regards,

Sarah Heidema
 Director
 Office of Defense Trade Controls Policy
 Directorate of Defense Trade Controls
 Department of State
 202-663-2809

Official

UNCLASSIFIED

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 1/3/2019 2:18:50 PM
To: Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]; Timothy Mooney [Timothy.Mooney@bis.doc.gov]
CC: Monjay, Robert [MonjayR@state.gov]
Subject: FW: Informal notification for removal of items from the U.S. Munitions List
Attachments: USML Cat I-III 38(f) - MDE List.pdf; USML Cat I-III 38(f) - Line-in Line-out Comparison.pdf; USML Cat I-III 38(f) - Commerce control text.pdf; USML Cat I-III 38(f) - Notification Letters.pdf; USML Cat I-III 38(f) - Revised Control Text.pdf

FYSA and Happy New Year!

Sarah

Official
UNCLASSIFIED

From: Heidema, Sarah J
Sent: Thursday, January 3, 2019 8:59 AM
To: 'Tom_Callahan@foreign.senate.gov' <Tom_Callahan@foreign.senate.gov>; 'Doug.Anderson@mail.house.gov' <Doug.Anderson@mail.house.gov>; 'David_Fite@foreign.senate.gov' <David_Fite@foreign.senate.gov>; 'Edmund.Rice@mail.house.gov' <Edmund.Rice@mail.house.gov>; 'Stacie_Oliver@foreign.senate.gov' <Stacie_Oliver@foreign.senate.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; 'Laychak, Michael R SES DTSA EO (US)' <michael.r.laychak.civ@mail.mil>; Matthew Borman <Matthew.Borman@bis.doc.gov>
Subject: Informal notification for removal of items from the U.S. Munitions List

This email provides the documents that begin the 30-day informal notification period for the removal of items from the U.S. Munitions List (USML) Categories I-III. This notification proceeds the statutorily required 30-day notification period for removals of items from the USML pursuant to AECA section 38(f). This package of documents contains the draft letters that will transmit the formal notification, a summary of the revisions to USML Categories I-III, copies of the revised USML Category I-III; line-in/line-out comparisons of the current USML Categories I-III and the revised version; and a copy of the Department of Commerce's companion regulatory text describing new or revised Export Control Classification Numbers (ECCNs) that will control the transitioning items.

Department of State personnel, along with our interagency colleagues, are available to answer any questions you may have related to the attached and would be please to provide you a briefing on the changes outlined in these rules.

Regards,

Sarah Heidema
 Director
 Office of Defense Trade Controls Policy
 Directorate of Defense Trade Controls
 Department of State
 202-663-2809

Official
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Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 1/3/2019 3:56:34 PM
To: PM/RSAT – FMS Team [PM_RSATFMSTeam@state.gov]; PM-DTCP-RMA [PM-DTCP-RMA@state.gov]; PM/RSAT Team Leaders [PM_RSATTeamLeaders@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; PM/SA Security Assistance Office [PMSASecurityAssistanceOffice@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]; O'Keefe, Kevin P [OKeefeKP@state.gov]; Cressey, Laura E [CresseyLE@state.gov]; Christensen, Brent T [ChristensenBT@state.gov]; Jost, Aaron W [JostAW@state.gov]
Subject: CPA Media Monitoring: Forum on the Arms Trade: Improved Prospects for U.S. Arms Sales Restraint? Look to Congress



Improved Prospects for U.S. Arms Sales Restraint? Look to Congress

By Jeff Abramson

3 January 2019

The odds may at first appear to be against greater restraint in U.S. arms sales in 2019 given a president who loudly touts the supposed economic benefits of weapons sales and refuses to reconsider arms transfers to Saudi Arabia despite (1) the Saudi role in the devastating humanitarian crisis in Yemen and (2) a global outcry over the ghastly embassy assassination of U.S. resident Jamal Khashoggi. But a close examination of Congressional action, much of it building over the last three years, reveals real prospects for limiting the president's dangerous approach on conventional arms trade.

The most high profile signs of this restraint revolve around the most high profile U.S. arms purchaser, Saudi Arabia. A loud rebuke of Trump's approach to the kingdom came in December when a bipartisan group of 56 Senators took the highly unusual step of using the 1973 War Powers Resolution to direct the president to end U.S. military action in the war in Yemen, including any refueling to the Saudi-led coalition. An earlier vote in March garnered only 44 votes. The outcry over Trump's unabashed arms support to Saudi Arabia played a large role in changing many Senators' minds.

Another War Powers-based resolution should expect to win Senate approval in the new Congress, when it is re-introduced. In the House, the new Democratic majority would also be likely to approve such a resolution. While leader Nancy Pelosi (D-California) has yet to indicate when a such a measure might be brought forward, she is one of 101 co-sponsors of the previous House version, which was blocked by a late procedural action in December.

The War Powers Resolution came on the heels of steps more explicitly addressing the arms trade. In June 2017, 47 Senators voted to block more than \$500 million in precision-guided munitions (PGM) sales to Saudi Arabia; and in September 2016, 27 Senators supported stopping a \$1 billion tank sale. While neither of these measures were successful, they indicate the building Congressional opposition to unrestricted arms sales to Riyadh. That sentiment was encapsulated after the recent War Powers vote when co-sponsor Chris Murphy (D-Connecticut) said that "momentum is...only growing. Congress has woken up to the reality that the Saudi-led coalition is using U.S. military support to kill thousands of civilians, bomb hospitals, block humanitarian aid, and arm radical militias."

In addition to these very public votes, some Congressional leaders are acting in other ways to reign in unwise arms sales. Under the U.S. system, leaders within the Senate Foreign Relations Committee and House Foreign Affairs Committee are pre-notified of potential arms sales. That pre-notification period has been the more traditional place for an opposition hold on controversial sales. For a period in 2017, former SFRC chair Bob

Corker (R-Tennessee) declared a hold on new arms sales to Gulf Cooperation Council countries. More recently, ranking member Robert Menendez (D-New Jersey) placed a hold on PGM sales to Saudi Arabia and the United Arab Emirates. While Corker is no longer in Congress, Menendez retains his position and his June 2018 hold remains in place. During the recent War Powers debate, he argued that the Trump administration view of the U.S.-Saudi relationship was “unhinged” in thinking that “selling weapons to the Saudis was more important than America’s enduring commitment to human rights, democratic values, and international norms.”

These actions are promising, and creative Congressional leaders have the opportunity to do more. While the public can be an ally for responsible action on Foreign Military Sales (FMS) because such government-to-government negotiated sales are quickly added to a public website, the increasingly important business-led Direct Commercial Sales (DCS) are not as transparent, in part because any public notification often comes after the initial review period has passed. Congressmembers could insist that, or possibly take it upon themselves to make, these potential DCS transactions public immediately. Saudi PGM sales, for example, have come through the DCS process and relied upon concerned leaders to share in raising awareness.

While the notification period garners the most attention, Congress also can block a sale up until weapons are delivered. Given how security, geopolitical, and humanitarian realities can change between the time of notifications and often years-later deliveries, leaders should follow the entire process. To the best of my knowledge, however, the relevant chair and ranking committee members have only once used the power they gave themselves to receive from the State Department a notification of an arms shipment at least 30 days prior to its delivery. It’s time to exercise, and to expand, such authority (see Section 201).

In general, transparency around arms deliveries remains too obscure as a New Hampshire NPR reporter recently discovered. When U.S. Census export data showed weapons worth more than \$61 million were sold from his state to Saudi Arabia in August, he could not uncover what was in the sales nor which companies provided the weapons. Annual reports on U.S. arms transfers have grown increasingly opaque. Congress should mandate a change, demanding much greater transparency on the specifics of what is in U.S. weapons deliveries.

Finally, sometime in the first quarter of this year, we can expect the administration to publish final rules transferring export authority on select firearms from the State Department to the Commerce Department, despite a large number of negative public comments and great deal of concern. These rules have been at the heart of the 3-D gun printing controversy that energized public debate in the middle of last year. Members of Congress have raised an alarm that they will lose notifications about these sales, and need to be prepared to stop, or counteract, this dangerous export process change. Just as Trump’s broad approach on arms sales does, these changes risk making it easier for weapons to end up in the hands of terrorists, international criminals, and abusive regimes as well as further undermine the promotion of human rights norms that should be central to U.S. actions.

Link: <https://www.forumarmstrade.org/looking-ahead-blog/improved-prospects-for-us-arms-sales-restraint-look-to-congress>

Matthew Marquis

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.6968

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Message

From: Miller, Michael F [MillerMF@state.gov]
Sent: 1/3/2019 5:39:24 PM
To: Miller, Michael F [MillerMF@state.gov]
Subject: RE: Informal notification for removal of items from the U.S. Munitions List

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, January 3, 2019 12:18 PM
To: Rice, Edmund <Edmund.Rice@mail.house.gov>; 'Fite, David (Foreign Relations)' <David_Fite@foreign.senate.gov>; Callahan, Tom (Foreign Relations) <Tom_Callahan@foreign.senate.gov>; Anderson, Doug <Doug.Anderson@mail.house.gov>; Oliver, Stacie (Foreign Relations) <Stacie_Oliver@foreign.senate.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; 'Laychak, Michael R SES DTSA EO (US)' <michael.r.laychak.civ@mail.mil>; 'Matthew Borman' <Matthew.Borman@bis.doc.gov>
Subject: RE: Informal notification for removal of items from the U.S. Munitions List

Ed and David-

Here is a summary of the changes in the regulatory text you have compared to what was in the proposed rules. While we can send you a tracked changes version of both set of regulatory language, it's rather hard to read given the formatting changes and clean-up of the text between the two versions. Just let me know.

State rule:

- Removed Note 1 to Category I, which is not substantive, just a description of the changes in Note form.
- Excluded black powder guns and armaments older than 1890 from Cat II.
- Clarifications to the language of the parts and components controls in Cats II and III.
- Clarified the brokering controls to more explicitly exclude facilitation of manufacturing and exporting of transitioned firearms from the registration requirements in Part 129.

Commerce Rule:

- Added controls for production equipment specially designed for USML Cats I and III items, consistent with how production equipment is controlled for many items that remain on the USML.
- Reverted to use of the CBP form 4457, rather than AES, for temporary exports of firearms under license exception BAG. This is the same way that temporary exports of firearms are generally recorded under USML § 123.16 and 17.
- Other changes fall into three areas 1) moving items to new ECCNs with the same or similar license requirements, 2) Clarifications to control language, and 3) changes to the language of the export clearance requirement.

Sarah

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From: Rice, Edmund <Edmund.Rice@mail.house.gov>
Sent: Thursday, January 3, 2019 10:15 AM
To: 'Fite, David (Foreign Relations)' <David_Fite@foreign.senate.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Callahan, Tom (Foreign Relations) <Tom_Callahan@foreign.senate.gov>; Anderson, Doug <Doug.Anderson@mail.house.gov>; Oliver, Stacie (Foreign Relations) <Stacie_Oliver@foreign.senate.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; 'Laychak, Michael R SES DTSA EO (US)'

<michael.r.laychak.civ@mail.mil>; 'Matthew Borman' <Matthew.Borman@bis.doc.gov>

Subject: RE: Informal notification for removal of items from the U.S. Munitions List

Yes, it would be helpful to have a cross-walk from the earlier version to this.

From: Fite, David (Foreign Relations) <David.Fite@foreign.senate.gov>

Sent: Thursday, January 3, 2019 9:06 AM

To: 'Heidema, Sarah J' <HeidemaSJ@state.gov>; Callahan, Tom (Foreign Relations)

<Tom.Callahan@foreign.senate.gov>; Anderson, Doug <Doug.Anderson@mail.house.gov>; Rice, Edmund

<Edmund.Rice@mail.house.gov>; Oliver, Stacie (Foreign Relations) <Stacie.Oliver@foreign.senate.gov>

Cc: 'Miller, Michael F' <MillerMF@state.gov>; 'String, Marik A' <StringMA@state.gov>; 'Paul, Joshua M'

<PaulJM@state.gov>; 'Lorman, Amanda L' <LormanAL@state.gov>; 'Laychak, Michael R SES DTSA EO (US)'

<michael.r.laychak.civ@mail.mil>; 'Matthew Borman' <Matthew.Borman@bis.doc.gov>

Subject: RE: Informal notification for removal of items from the U.S. Munitions List

Are there any differences from what we saw last May?

From: Fite, David (Foreign Relations)

Sent: Thursday, January 3, 2019 9:04 AM

To: 'Heidema, Sarah J' <HeidemaSJ@state.gov>; Callahan, Tom (Foreign Relations)

<Tom.Callahan@foreign.senate.gov>; Doug.Anderson@mail.house.gov; Edmund.Rice@mail.house.gov; Oliver, Stacie

(Foreign Relations) <Stacie.Oliver@foreign.senate.gov>

Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M

<PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Laychak, Michael R SES DTSA EO (US)

<michael.r.laychak.civ@mail.mil>; Matthew Borman <Matthew.Borman@bis.doc.gov>

Subject: RE: Informal notification for removal of items from the U.S. Munitions List

Many thanks. I'm sure we'll want to set that up in the next week or two.

From: Heidema, Sarah J <HeidemaSJ@state.gov>

Sent: Thursday, January 3, 2019 8:59 AM

To: Callahan, Tom (Foreign Relations) <Tom.Callahan@foreign.senate.gov>; Doug.Anderson@mail.house.gov; Fite,

David (Foreign Relations) <David.Fite@foreign.senate.gov>; Edmund.Rice@mail.house.gov; Oliver, Stacie (Foreign

Relations) <Stacie.Oliver@foreign.senate.gov>

Cc: Miller, Michael F <MillerMF@state.gov>; String, Marik A <StringMA@state.gov>; Paul, Joshua M

<PaulJM@state.gov>; Lorman, Amanda L <LormanAL@state.gov>; Laychak, Michael R SES DTSA EO (US)

<michael.r.laychak.civ@mail.mil>; Matthew Borman <Matthew.Borman@bis.doc.gov>

Subject: Informal notification for removal of items from the U.S. Munitions List

This email provides the documents that begin the 30-day informal notification period for the removal of items from the U.S. Munitions List (USML) Categories I-III. This notification proceeds the statutorily required 30-day notification period for removals of items from the USML pursuant to AECA section 38(f). This package of documents contains the draft letters that will transmit the formal notification, a summary of the revisions to USML Categories I-III, copies of the revised USML Category I-III; line-in/line-out comparisons of the current USML Categories I-III and the revised version; and a copy of the Department of Commerce's companion regulatory text describing new or revised Export Control Classification Numbers (ECCNs) that will control the transitioning items.

Department of State personnel, along with our interagency colleagues, are available to answer any questions you may have related to the attached and would be please to provide you a briefing on the changes outlined in these rules.

Regards,

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls
Department of State
202-663-2809

Official

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Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 1/3/2019 9:22:21 PM
To: Miller, Michael F [Millermf@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; String, Marik A [StringMA@state.gov]
CC: PM-CPA [PM-CPA@state.gov]
Subject: FYSA - Cats 1-3 Press Guidance
Attachments: USML Categories 1-3 Guidance

Dear all,

[REDACTED]

Thanks,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: PaulJM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

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Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 1/7/2019 7:50:42 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Rogers, Shana A [RogersSA2@state.gov]
CC: Minarich, Christine M [MinarichCM@state.gov]
Subject: RE: Cats I-III FRN
Attachments: 2018-12-13 Final Clean Commerce Cat I-III firearms rule_0694-AF47.docx; Cat I-III FR - FRN 13.docx

Official - SBU
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Monday, January 7, 2019 2:49 PM
To: Rogers, Shana A <RogersSA2@state.gov>
Cc: Minarich, Christine M <MinarichCM@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Cats I-III FRN

+ monjay

Official
UNCLASSIFIED

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Monday, January 7, 2019 2:48 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Minarich, Christine M <MinarichCM@state.gov>
Subject: Cats I-III FRN

Hi Sarah,
Will you please send us the final notice as cleared by OMB? I'm not sure I have the latest.

Thanks,
Shana

Official
UNCLASSIFIED

Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 1/9/2019 6:55:38 PM
To: PM-DTCP-RMA [PM-DTCP-RMA@state.gov]; PM-DDTC-Directors-DL [PM-DDTC-Directors-DL@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]
Subject: CPA Media Monitoring: Ammoland: Export Controls Alert: The Rules are About to Change



Export Controls Alert: The Rules are About to Change

By Duncan Johnson

9 January 2019

Earlier this year, the U.S. Department of State, Directorate of Defense Trade Controls (DDTC) published a proposed rule in the Federal Register to amend the International Traffic in Arms Regulations (ITAR) and revise U.S. Munitions List (USML) Categories I, II, and III to better identify the articles the U.S. government believes warrants export and temporary import control on the USML. Those items deemed not to require control under the ITAR are proposed to be removed from the USML and would become subject to the U.S. Department of Commerce, Bureau of Industry and Security's (BIS) Export Administration Regulations (EAR). BIS published a companion proposed rule at the same time to identify where those items removed from the USML will be controlled on the Commerce Control List (CCL). We covered the proposed transition rules in our alerts, dated May 23, June 1, June 8, and June 13, 2018, all of which can be accessed at reevesdola.com.

Soon the highly anticipated rules containing the final rewrites of U.S. Munitions List Categories I, II, and III should be published. In advance of their publication, companies should begin to prepare now in order to be best positioned to take advantage of the change in regulations as soon as they become effective. In this alert, we seek to answer some basic questions about the transition and walk through the review process that companies will need to undertake to determine which set of controls will now apply to their goods and services.

What Will the Rewrites Do?

As many of you already know, USML Categories I, II, and III are the last USML categories to go through the revision process. All other USML Categories have been revised, some multiple times already as part of the previous Administration's Export Control Reform (ECR) effort. What the upcoming final rules will do is to remove from the USML those items the U.S. government has determined to be of less military significance or of a more commercial nature. As explained in the proposed rule, DDTC's intent is to revise these categories so that the scope of the respective USML Category is limited to those defense articles that provide the United States with a "critical military or intelligence advantage or are inherently for military end use." (83 FR 24198). DDTC further explains in the proposed rule that the articles that would be removed from the USML do not meet this standard, and notes that many items are widely available in retail outlets in the United States and abroad. Those items removed from the USML will be subject to the EAR in new Export Control Classification Numbers (ECCNs) on the CCL.

Despite what many have claimed, this is not a decontrol of the items identified for removal from the USML. Rather, it is a right-sizing of U.S. export controls. Items that have historically required a license from DDTC will now be subject to the export licensing requirements of the EAR. However, this does not mean that companies will be able to ship firearms and ammunition throughout the world without a license. To the contrary, many items moving to the CCL will require an export license from BIS, even to Canada. It is also important to remember that the revisions to the USML have no impact on how the Bureau of Alcohol, Tobacco,

Firearms and Explosives (ATF) controls firearms and ammunition for permanent import into the United States under its regulations at 27 C.F.R. Part 447.

Has the Transition Already Taken Effect?

No! As of today, the revisions have not yet been published as a final rule and the USML currently remains unchanged for Categories I, II, and III. When the final rules are published in the Federal Register, they will provide an effective date for the implementation of the changes. If the previous USML Category rewrites are any indication, the rules will likely become effective 180 days after the final rule publishes, though the agencies could decide to provide a shorter implementation period. A delayed effective date, which has been provided in all the previous USML Category revisions, is intended to give impacted industry members the time to implement the revisions by reclassifying their inventory, making changes to internal processes and procedures, train employees on the new controls, update databases, notify customers, and other necessary compliance actions.

Is There Anything to do to Prepare for this?

Yes! Companies now can begin reviewing their inventory and internal procedures to identify those items and functions that may be impacted. While the proposed rules aren't set in stone, they do provide a good roadmap of what is likely going to move off the USML and onto the CCL. Companies can use that to redline processes and procedures and identify any necessary changes to databases and systems that house jurisdictional determinations for products. The proposed rules can also help companies start walking through the jurisdictional review analysis to determine what export control regime will likely apply to their products after the revisions become effective. For a refresher on the proposed rules, please review our previous alerts.

The process for walking through this jurisdictional review is called the Order of Review. The Order of Review is the process by which one makes a jurisdiction and classification decision with respect to the export control regulation applicable to any piece of hardware, software, technology, or service. The Order of Review is completed by first reviewing the USML, followed by the CCL, and essentially asking a series of yes/no questions. The following outline is designed to walk you through the basic decision process for an Order of Review analysis.

1. Step 1: Review the ITAR

- If your item is enumerated by name or capability in a USML control paragraph, your review has ended. The item is ITAR controlled.
- If your item is described in a control paragraph that contains the “specially designed” modifier, you must perform the specially designed analysis in 22 C.F.R. §120.41 to determine whether your item is captured.
 - If after performing the “specially designed” analysis the item is determined to be “specially designed,” then the item is controlled in that subparagraph of the USML. Your review has ended.
 - If after performing the “specially designed” analysis the item is released (i.e., determined not to meet the “specially designed” criteria), then the item is not controlled on the USML and a review of the EAR is required. Proceed to Step 2 below.
- If the item is not described in any control paragraph on the USML, then the item is not captured by the ITAR and a review of the EAR is required. Proceed to Step 2 below.

Note: if an item appears to be listed in multiple paragraphs, any paragraph that is designated Significant Military Equipment (SME) takes precedence over a non-SME paragraph. In other words, always follow the highest applicable level of control.

2. Step 2: Review the EAR

Note: the EAR does not have a “see-through” rule like the ITAR, so do not consider the individual parts inside of an item when classifying it. Instead, consider overall functions and characteristics to classify the item under review. Compare the characteristics of the item to the 10 CCL categories and then determine the applicable product group A-E.

- Start your CCL review with the “500-series” and “600-series” ECCNs. If your item is enumerated by name or capability in a “500-series” or “600-series” ECCN on the CCL, your review has ended. The item is controlled in that control paragraph of the CCL.
- If your item is described in a control paragraph that contains the “specially designed” modifier, then perform the “specially designed” analysis, described in Part 772 of the EAR.
 - If after performing the “specially designed” analysis the item is determined to be “specially designed” then the item is controlled in that control paragraph of the CCL. Your review has ended.
 - If after performing the “specially designed” analysis the item is released, then a review of the rest of the CCL is required.
- If you have reviewed the “500-series” and “600-series” ECCNs and your item is not captured, then proceed to review the rest of the CCL. If your item is enumerated by name or capability in a “non-600/500 series” ECCN on the CCL, then your item is controlled in that paragraph of the CCL. Your review has ended.
- If your item is described in a control paragraph that contains the “specially designed” modifier, then perform the “specially designed” analysis, described in Part 772 of the EAR.
 - If after performing the “specially designed” analysis the item is determined to be “specially designed” then the item is controlled by that paragraph of the CCL. Your review has ended.
 - If after performing the “specially designed” analysis the item is released, proceed to Step 3.

If your item is not described in any ECCN on the CCL, then proceed to Step 3 below.

3. Step 3: Item Not Captured by Specific ECCN

If the Order of Review is performed and the item is not captured by the USML and is not captured by any ECCN on the CCL, then the item is classified as ECCN EAR99. The Order of Review analysis has ended.

If, after performing the Order of Review, questions remain as to the proper jurisdiction and classification of an item, consider submitting a Commodity Jurisdiction (CJ) request to DDTC for an official jurisdictional determination for a product. When submitting a CJ request to DDTC, it is recommended to include a description of the Order of Review analysis that was conducted and a clear explanation as to why confusion remains. Also, indicate the USML Category(ies) or ECCN(s) that you believe is/are most likely applicable to

the item under review. DDTC provides step-by-step instructions for preparing and submitting Commodity Jurisdiction requests on its website.

Additionally, both DDTC and BIS have developed Order of Review tools to aid industry in making a jurisdiction and classification analysis.

DDTC's web-based decision tools:

- Order of Review: Use this tool to help you figure out where your item(s) is controlled on the USML.
- Specially Designed: Use this tool to help you determine if a particular item is “specially designed” or meets one of the five carve-outs. This tool applies ONLY to commodities and software related to USML Categories that have been revised in accordance with the President's Export Control Reform initiative. DO NOT USE if your USML category has not yet been revised.

BIS web-based decision tools:

- CCL Order of Review: This tool will in understanding the steps to follow in reviewing the Commerce Control List when determining the classification of their item. (See Supplement No. 4 to part 774 of the EAR).
- Specially Designed: This tool will assist users in determining if an item is “specially designed” under the Export Administration Regulations. (See § 772.1 of the EAR).

Closing Thoughts

Of course, each jurisdictional determination is unique, with some being more complex than others. Additionally, the “specially designed” review is its own separate catch-and-release analysis. We will address the “specially designed” review in an upcoming alert. Please note that the “specially designed” analysis is slightly different between the two regulations, so do not assume that if an item is released from the ITAR, it is automatically classified as EAR99.

Even though the transition is not a decontrol of firearms and ammunition exports, the process will be radically different from what many are already accustomed. The rules of the game are about to change, and so it is vitally important that companies get ready. Many will need to learn a new set of export controls regulations (the EAR) that may never have applied to their products before. Whether it's reclassifying products or retooling corporate policies and procedures, businesses must be prepared to adapt to the new rules to ensure export transactions remain compliant.

Link: <https://www.ammoland.com/2019/01/export-controls-alert-the-rules-are-about-to-change/#axzz5c8bRmXUf>

Matthew Marquis

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.6968

e-mail: MarquisMR@state.gov | Web: www.state.gov/t/pm/ | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Official
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Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 1/9/2019 8:46:48 PM
To: Windecker, Melissa A [WindeckerMA@state.gov]; Carter, Rachel [CarterR@state.gov]; PM-Strategy [PM-Strategy@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Brown, Stanley L [BrownSL@state.gov]; O'Keefe, Kevin P [OKeefeKP@state.gov]; Miller, Michael F [Millermf@state.gov]; Mak, Daniella [MakD@state.gov]; Martin, Davette T [MartinDT@state.gov]; Dudding, Maria [DuddingM@state.gov]; Litzenberger, Earle D (Lee) [LitzenbergerED@state.gov]; Nute, Kathryn M [NuteKM3@state.gov]; McVerry, James [James.Mcverry.ctr@dla.mil]; String, Marik A [StringMA@state.gov]; Phalen, Susan A [PhalenSA@state.gov]; chandrawhalenlaw@gmail.com; Josh Paul [joshuampaul@gmail.com]; apstrike@gmail.com; christiennecarroll@yahoo.com; mckeeby_333@yahoo.com
Subject: CPA MEDIA MONITORING: 9 January, 2019

Alerts for 9 January, 2019

"Viewpoint: U.S. to Streamline Small Arms, Ammo Export Regulations", Whether the State Department will go so far as to rename the United States Munitions List, the "United States List" remains to be seen. The removal of certain guns and ammunition from the munitions list will be a big change for small arms manufacturers who will soon be able to sell to a number of countries with a lower licensing requirement.

"Erdogan threats against Kurds will not stop Syria withdrawal, Pompeo says", The U.S. troop withdrawal from Syria will not be scuppered despite Turkish threats against Washington's Kurdish allies there, Secretary of State Mike Pompeo said on Wednesday, promising to ensure that the Kurds would still be protected.

"Export Controls Alert: The Rules are About to Change", Soon the highly anticipated rules containing the final rewrites of U.S. Munitions List Categories I, II, and III should be published. In advance of their publication, companies should begin to prepare now in order to be best positioned to take advantage of the change in regulations as soon as they become effective.

"Queen guitarist Brian May takes on US military over Okinawa base", Despite the opposition of local people and daily protests at the site, sea walls have been constructed and work is under way to fill the enclosed area with rock and soil. The reclamation work will cover a stretch of coral reef and local environmentalists have claimed that it will destroy the feeding grounds of critically endangered dugongs.

"The US is trying to woo back Asian countries, but those efforts aren't yet paying off", Initiatives such as ARIA and the infrastructure fund are welcome "but the biggest question is always about whether the administration will follow up with implementation," said Koh, adding that another goal should be the promotion of "greater cooperation with allies and partners."

"U.N. struggles to implement deal over disputed Yemeni port city", In New York on Wednesday, U.N. special envoy Martin Griffiths told the United Nations Security Council that both sides had largely stuck to the ceasefire but substantial progress would be needed before more peace talks could be held.

"Taiwan announces new-look military drills to counter China", Chinese President Xi Jinping renewed the threat of force in his Jan. 2 message to the island, saying China reserved that right if necessary to counter interference by external forces and what he called an extremely small number of Taiwanese separatists.

"Security tight as Congo prepares to release vote results", Anti-riot police with water cannon and armored vehicles surrounded Congo's electoral commission on Wednesday ahead of the delayed announcement of the

results of the presidential election, while activist groups urged people to “be ready to massively take to the streets” if results don’t match “the truth of the ballot boxes.”

“Senate Bucks Trump’s Saudi Approach”, No new arms sales to the country via the government-to-government foreign military sales process have been officially notified to Congress since April. In June, Sen. Bob Menendez (D-N.J.), ranking member of the Senate Foreign Relations Committee, effectively placed a hold on the sale of precision-guided munition kits to Saudi Arabia and the United Arab Emirates before they were publicly notified.

“Central European F-16 Deals Facing Political Hurdles”, Despite a strong will in the armies of the Central Eastern Europe (CEE) region to replace obsolete Soviet/Russian-made equipment with up-to-date Western aircraft, a number of political obstacles have emerged, both internally and internationally. These issues have affected three ongoing programs to procure F-16 fighters in Croatia, Slovakia, and Bulgaria.

“Great Power Rivalry Reaches Africa”, Moreover, Bolton has himself conceded that the US has limited resources to compete with the tens of billions of dollars that China is pouring into Africa. In this situation, it is not very clear how effective America’s new strategy would be in Africa in containing China. But it has definitely made African people worried that their continent might be used to advance the agenda of major global powers.

“Maritime connectivity and security in the Indo-Pacific”, Consequently, we have seen India assume a larger role as a security provider in the Indian Ocean region. These include, efforts at building capacity, improving interoperability and exchanging information with a number of security partners, not least the USA, Japan and Australia, but also several countries in South East and South Asia, the Gulf and Africa.

“Russia in Africa: Is it becoming a key player?”, Today, Russia “seeks to restore and strengthen its position on the African continent”, according to Inna Andronova, from Moscow’s Higher School of Economics. One way is through arms exports. Although some of its main markets are in Asia, sales to Africa are significant, and growing.

“Congress poised to push back at Trump on Saudi Arabia, Syria”, House Democrats have devoted the first days of the new Congress to passing bills to reopen the partially closed government, but supporters of a resolution withdrawing U.S. military support for Saudi Arabia in Yemen’s civil war say their plans for a quick vote are still on track.

“Secretary of State Mike Pompeo makes surprise visit to Iraq”, The unannounced visit on Wednesday comes as Pompeo is meeting with allies in the region to discuss conflicting statements from President Donald Trump and U.S. officials on an announced withdrawal of U.S. troops from Syria, according to the Associated Press.

“Bulgaria decides to start talks with U.S. on F-16 jet deal”, The plan has spurred heated political debates in the Black Sea country with supporters hailing it as a strategic choice for Bulgaria, whose NATO neighbors are also flying F-16s, while critics accused the government of breaching the tender rules.

Matthew Marquis

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.6968

e-mail: MarquisMR@state.gov | Web: www.state.gov/t/pm/ | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Official

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Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 1/18/2019 7:44:13 PM
To: Windecker, Melissa A [WindeckerMA@state.gov]
CC: Miller, Michael F [Millermf@state.gov]
Subject: RE: CAT I-III Briefing
Attachments: note to FO.docx

Mel-

Here you go. If you need to reach me and I'm not at my desk my cell number is [REDACTED]

Official
UNCLASSIFIED

From: Windecker, Melissa A <WindeckerMA@state.gov>
Sent: Friday, January 18, 2019 1:05 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>
Subject: CAT I-III Briefing

Hi Sarah,

[REDACTED]

Thanks so much for your help with this!

Mel

Official
UNCLASSIFIED

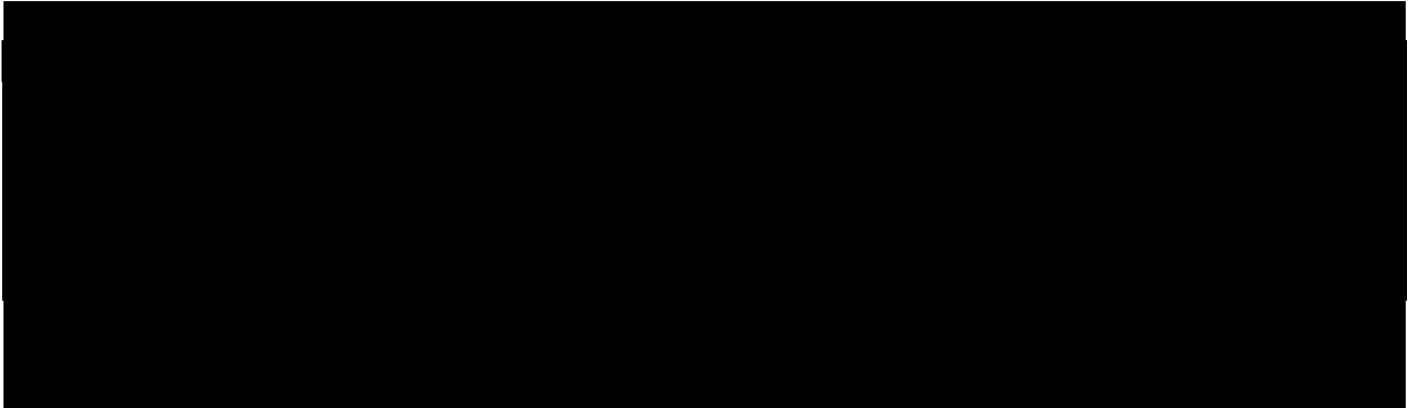
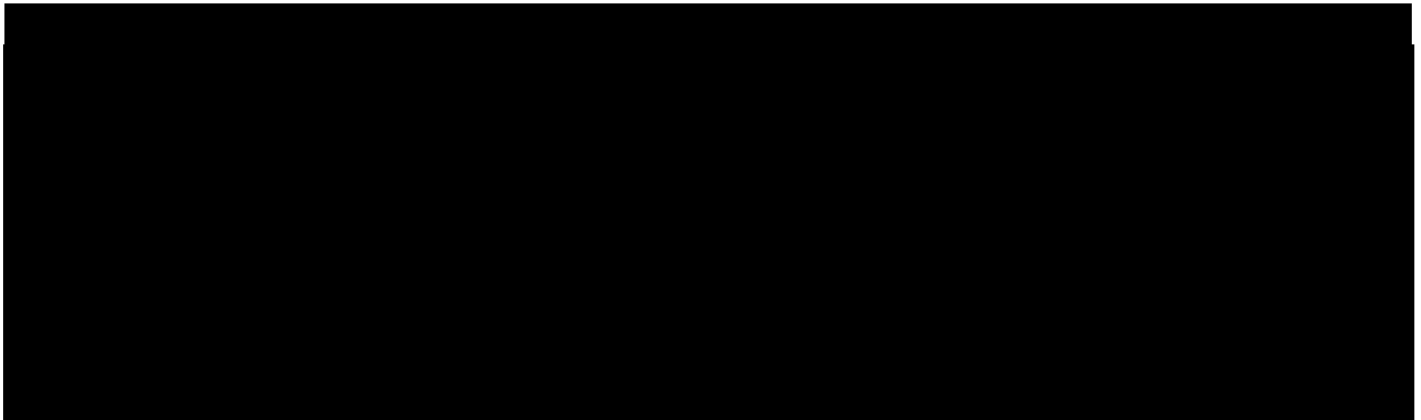
Message

From: Windecker, Melissa A [WindeckerMA@state.gov]
Sent: 1/18/2019 10:04:14 PM
To: String, Marik A [StringMA@state.gov]
Subject: Ghost Email for H

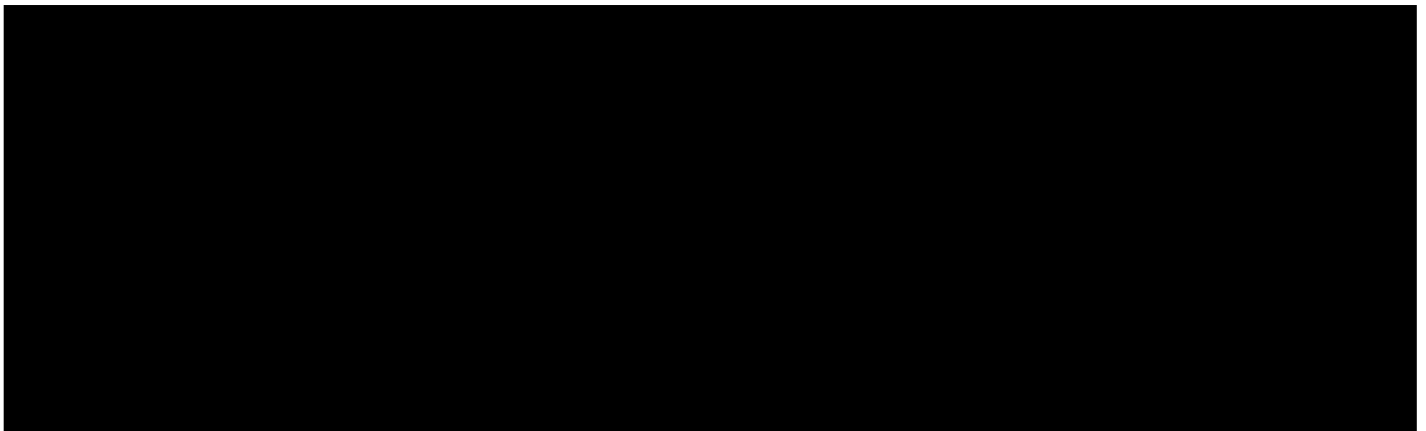
(YOUR GREETING)

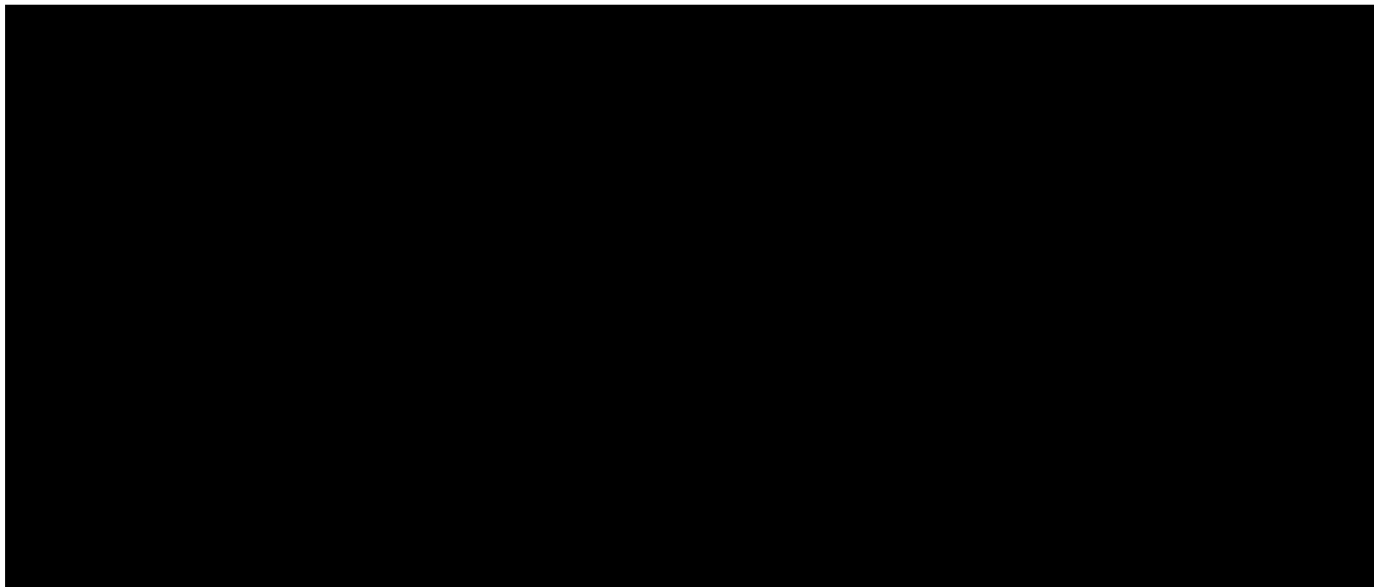
Thanks for your time on the phone earlier. Below are the items we'd like to move on next week:

1. **Subject:** the Removal of Items from the U.S. Munitions List Categories I, II, and III.

A large rectangular area of the document is completely redacted with a solid black fill.A large rectangular area of the document is completely redacted with a solid black fill.

2. **Subject:** FY19 IMET Request 4

A large rectangular area of the document is completely redacted with a solid black fill.



Please let us know if we can get you any further information

(YOUR CLOSING)

Official
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Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 1/28/2019 8:25:24 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; PM-CPA [PM-CPA@state.gov]
Subject: RE: 1-3 briefing

Pencil in 2-4 Weds. H offering to Hill now.

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Monday, January 28, 2019 2:05 PM
To: PM-CPA <PM-CPA@state.gov>
Subject: FW: 1-3 briefing

Official
UNCLASSIFIED

From: Matthew Borman <Matthew.Borman@bis.doc.gov>
Sent: Monday, January 28, 2019 2:04 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Kimberly Ekmark <Kimberly.Ekmark@bis.doc.gov>
Subject: RE: 1-3 briefing

Wednesday 2-4 pm best for us, Thursday am second best.

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Monday, January 28, 2019 8:06 AM
To: Matthew Borman <Matthew.Borman@bis.doc.gov>
Cc: Miller, Michael F <MillerMF@state.gov>
Subject: RE: 1-3 briefing

Matt-

With the government open now, we are looking to do the briefing in person this week. We need to do it this week to keep on track for the formal notification going next week. DTSA has confirmed it will support the meeting this week and is generally available. With this new information, I want to check with you to see where DOC stands, since we still need to do logistics of getting the briefing scheduled.

Thanks much!

Sarah

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From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, January 24, 2019 6:01 PM
To: Matthew Borman <matthew.borman@bis.doc.gov>
Cc: Miller, Michael F <MillerMF@state.gov>
Subject: Re: 1-3 briefing

Great! We'd be targeting next week. Presuming you get approval, please let us know some days/time that would work for you.

Thanks again,
Sarah

From: Matthew Borman <matthew.borman@bis.doc.gov>
Sent: Thursday, January 24, 2019 5:58 PM
To: Heidema, Sarah J
Cc: Miller, Michael F
Subject: Re: 1-3 briefing

Thanks Sarah. We could participate in telecon briefing pending Commerce Leg agreement,

This Message was sent from my Mobile Device.

On: 24 January 2019 15:54, "Heidema, Sarah J" <HeidemaSJ@state.gov> wrote:

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From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 24, 2019 3:34 PM
To: String, Marik A <StringMA@state.gov>
Cc: Brown, Stanley L <BrownSL@state.gov>; Chandler, Karen R <ChandlerKR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; PM-CPA <PM-CPA@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>
Subject: RE: Proposed PM Activities

Minus H, plus DDTC

H (Faulkner) has approved doing the CATS 1-3 briefing; H is reaching out to Commerce and DTSA to assist with scheduling, but suggest that DTCP does the same.

Josh

1. **Subject:** Teleconference with HFAC/SFRC staff regarding the Removal of Items from the U.S. Munitions List Categories I, II, and III.

[REDACTED]

[REDACTED]

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 1/28/2019 10:00:23 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Meeting Forward Notification: HOLD - CATS 1-3 Briefing

Flagging that HASC and SASC are being invited to close out a statutory briefing requirement on the status of these categories simultaneously.

-----Original Appointment-----

From: Microsoft Outlook O365 <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usdos.onmicrosoft.com>
On Behalf Of Heidema, Sarah J
Sent: Monday, January 28, 2019 4:54 PM
To: Paul, Joshua M
Subject: Meeting Forward Notification: HOLD - CATS 1-3 Briefing
When: Wednesday, January 30, 2019 7:00 PM-9:00 PM (UTC+00:00) Monrovia, Reykjavik.
Where: Hill TBA

Your meeting was forwarded

Heidema, Sarah J has forwarded your meeting request to additional recipients.

Meeting

HOLD - CATS 1-3 Briefing

Meeting Time

Wednesday, January 30, 2019 2:00 PM-4:00 PM.

Recipients

Monjay, Robert

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 1/29/2019 9:42:51 PM
To: Timothy Mooney [Timothy.Mooney@bis.doc.gov]; Susan Daoussi [susan.g.daoussi.civ@mail.mil]
Subject: FW: Folders for Briefing on Tuesday afternoon
Attachments: USML Cat I-III 38(f) - Commerce control text.pdf; USML Cat I-III 38(f) - Line-in Line-out Comparison.pdf; USML Cat I-III 38(f) - MDE List.pdf; USML Cat I-III 38(f) - Revised Control Text.pdf; USML Cat I-III 38(f) - Summary.pdf; Key Points of Transfer for Final Rule.docx; CATS I-III MYTHS V FACTS Final Rule w revised narrative from PM website.DOCX

Tim and Susan,
Attached are the documents that we will be bringing for the staffers.
Thanks
Rob

Official - SBU
UNCLASSIFIED

From: Monjay, Robert
Sent: Tuesday, January 29, 2019 4:41 PM
To: Ross, Paula E <RossPE@state.gov>
Subject: Folders for Briefing on Tuesday afternoon

Paula,
Can you please put together 15 folders with the attached documents?

It should be
On the left: Key points, Cats I-III Myths V Facts, Line-in Line-out Comparison, and MDE List
On the right: Summary, Revised Control Text, and Commerce Control Text

Thanks
Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov
[REDACTED]

Official - SBU
UNCLASSIFIED

WASHSTATEC001244

Those are the biggies we came up with. Please let me know if you have any questions or concerns and we'll see you tomorrow.

Sarah-

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls
Department of State
202-663-2809

Official
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Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 1/30/2019 4:12:11 PM
To: Miller, Michael F [MillerMF@state.gov]; String, Marik A [StringMA@state.gov]
Subject: FW: Cats I-III & Washington

Per my last email

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
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From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Tuesday, January 29, 2019 2:15 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>
Subject: Cats I-III & Washington

Hi Sarah,



Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege)
UNCLASSIFIED

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 1/31/2019 3:26:43 PM
To: Rogers, Shana A [RogersSA2@state.gov]
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Thursday, January 31, 2019 10:20 AM
To: Paul, Joshua M <PaulJM@state.gov>
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx

Josh,

Thanks for the clarification.

Shana

Official - SBU (Deliberative Process)
UNCLASSIFIED

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 10:00 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A <UrenaMA@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

Thanks,

Josh

From: Paul, Joshua M
Sent: Wednesday, January 30, 2019 4:04 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A

<UrenaMA@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

[REDACTED]

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

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Message

From: McDonald, Samuel W [McDonaldSW@state.gov]
Sent: 1/31/2019 5:21:25 PM
To: Rogers, Shana A [RogersSA2@state.gov]; Kovar, Jeffrey D [KovarJD@state.gov]
CC: Smilansky, Gene [SmilanskyGM@state.gov]; Nagy, Nathan [NagyN@state.gov]
Subject: FW: Clearance: BCL-Thompson-SEN Markey BCL.docx
Attachments: 20190205 - BCL-Thompson-SEN Markey BCL (002).docx

Shana,

Thanks – I made some edits here [REDACTED]
[REDACTED]
[REDACTED]

Best,
Sam

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Thursday, January 31, 2019 12:12 PM
To: McDonald, Samuel W <McDonaldSW@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Subject: FW: Clearance: BCL-Thompson-SEN Markey BCL.docx

Sam, Jeff,
[REDACTED]
[REDACTED]
[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 10:00 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A <UrenaMA@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

Thanks,

Josh

From: Paul, Joshua M

Sent: Wednesday, January 30, 2019 4:04 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A <UrenaMA@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

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Message

From: Miller, Michael F [MillerMF@state.gov]
Sent: 1/31/2019 7:41:41 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]; Dearth, Anthony M [DearthAM@state.gov]
CC: Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Date: January 31, 2019 at 10:13:45 PM GMT+3
To: Paul, Joshua M <PaulJM@state.gov>, Dearth, Anthony M <DearthAM@state.gov>, Miller, Michael F <MillerMF@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>, Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 2:12 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Miller, Michael F <MillerMF@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

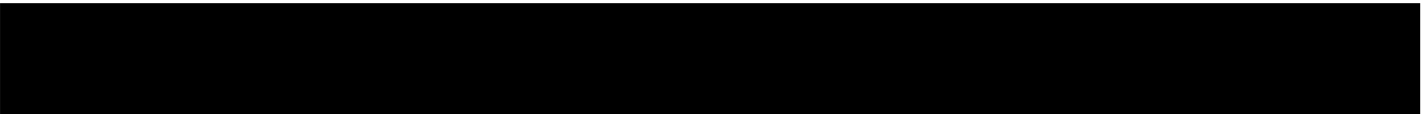
From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, January 31, 2019 2:10 PM
To: Paul, Joshua M <PaulJM@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Miller, Michael F <MillerMF@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 2:07 PM
To: Dearth, Anthony M <DearthAM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <MillerMF@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

From: Dearth, Anthony M <DearthAM@state.gov>
Sent: Thursday, January 31, 2019 1:28 PM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

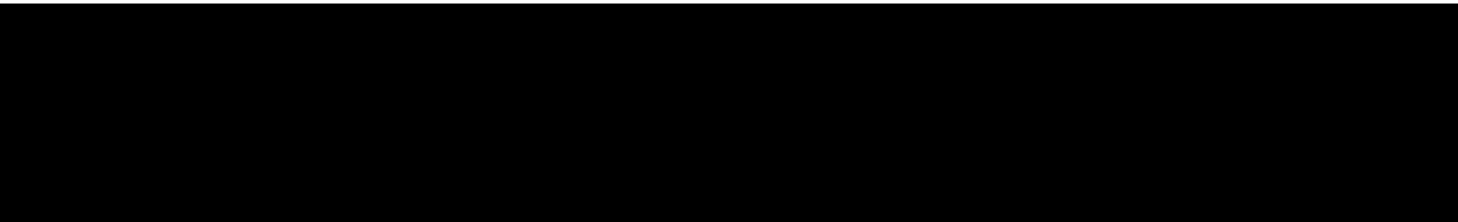

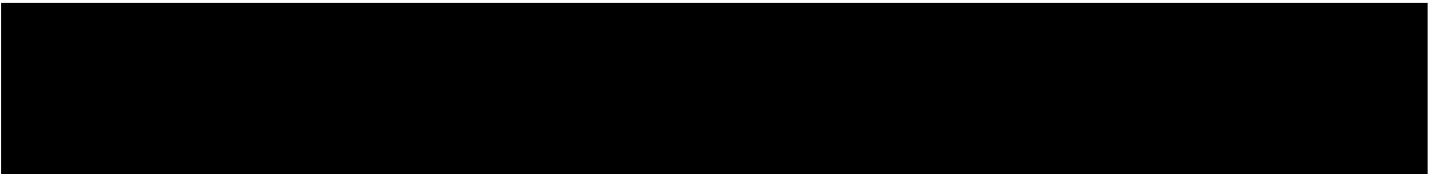


v/r, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
United States Department of State
Office: 202-663-2836

Official
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Thursday, January 31, 2019 1:07 PM
To: Dearth, Anthony M <DearthAM@state.gov>; Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>
Cc: Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

From: Dearth, Anthony M <DearthAM@state.gov>
Sent: Thursday, January 31, 2019 10:25 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>

Cc: Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>

Subject: Formal 38(f) of Cats I-III

Sarah,



Please let me know if you have any questions.

v/r, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
United States Department of State
Office: 202-663-2836

Official

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Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 1/31/2019 8:29:08 PM
To: Rogers, Shana A [RogersSA2@state.gov]; McDonald, Samuel W [McDonaldSW@state.gov]
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx
Attachments: 20190205 - BCL-Thompson-SEN Markey BCL (002).docx

[REDACTED]

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
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From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Thursday, January 31, 2019 12:12 PM
To: McDonald, Samuel W <McDonaldSW@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Subject: FW: Clearance: BCL-Thompson-SEN Markey BCL.docx

Sam, Jeff,

[REDACTED]

[REDACTED]

Thanks,
Shana

Official - SBU (Attorney Work Product, Attorney-Client Privilege, Deliberative Process)
UNCLASSIFIED

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 10:00 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A <UrenaMA@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: RE: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

Attached please find an updated version for your clearance, [REDACTED]

[REDACTED]

Thanks,

Josh

From: Paul, Joshua M
Sent: Wednesday, January 30, 2019 4:04 PM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; P/EUR Duty Officer <P-EURDuty@state.gov>; Phalen, Susan A <PhalenSA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Shufflebarger, Jamie <ShufflebargerJ@state.gov>; Urena, Michael A <UrenaMA@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>
Subject: Clearance: BCL-Thompson-SEN Markey BCL.docx

Dear all,

On Tuesday, Feb 5, U/S Thompson will meet with SEN Markey. [REDACTED]
[REDACTED]
[REDACTED]

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

Stay connected with *State.gov*:



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Message

From: McKeeby, David I [McKeebyDI@state.gov]
Sent: 1/31/2019 10:05:18 PM
To: String, Marik A [StringMA@state.gov]; McKeeby, David I [McKeebyDI@state.gov]
CC: Paul, Joshua M [PaulJM@state.gov]; Dearth, Anthony M [DearthAM@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: Re: Flagging: Media Inquiry: NY Times (Fandos) Cats I-III

[REDACTED]

Best,
--D--

From: String, Marik A
Sent: Thursday, January 31, 2019 5:00 PM
To: McKeeby, David I
Cc: Paul, Joshua M; Dearth, Anthony M; Heidema, Sarah J; Hart, Robert L; Monjay, Robert
Subject: RE: Flagging: Media Inquiry: NY Times (Fandos) Cats I-III

[REDACTED]

From: McKeeby, David I <McKeebyDI@state.gov>
Sent: Thursday, January 31, 2019 4:19 PM
To: PM-DAS's <PM-DASs@state.gov>
Cc: Paul, Joshua M <PaulJM@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: Flagging: Media Inquiry: NY Times (Fandos) Cats I-III
Importance: High

Colleagues:

CPA just fielded a call from Nick Fandos at *New York Times*. Hill staffers read-out yesterday's Cat I-III briefing

[REDACTED]

[REDACTED]

Best,
Dave

David I. McKeeby

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]
✉ e-mail: mckeebydi@state.gov | 🌐 Web: <https://www.state.gov/t/pm> | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 11:08 AM
To: Dearth, Anthony M <DearthAM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>; McKeeby, David I <McKeebyDI@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

+Dave

[REDACTED]

J

From: Dearth, Anthony M <DearthAM@state.gov>
Sent: Thursday, January 31, 2019 10:28 AM
To: Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

v/r, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
United States Department of State
Office: 202-663-2836

Official
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From: Paul, Joshua M <PaulJM@state.gov>
Sent: Thursday, January 31, 2019 10:27 AM
To: Dearth, Anthony M <DearthAM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>
Cc: Miller, Michael F <Millermf@state.gov>
Subject: RE: Formal 38(f) of Cats I-III

[REDACTED]

From: Dearth, Anthony M <DearthAM@state.gov>

Sent: Thursday, January 31, 2019 10:25 AM

To: Heidema, Sarah J <HeidemaSJ@state.gov>; Hart, Robert L <HartRL@state.gov>; Monjay, Robert <MonjayR@state.gov>

Cc: Miller, Michael F <Millermf@state.gov>; Paul, Joshua M <PaulJM@state.gov>

Subject: Formal 38(f) of Cats I-III

Sarah,

[REDACTED]

Please let me know if you have any questions.

v/r, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Bureau of Political Military Affairs
United States Department of State
Office: 202-663-2836

Official
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Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 1/31/2019 11:49:49 PM
To: Ross, Paula E [RossPE@state.gov]
Subject: Envelopes for H
Attachments: USML Cat I-III 38(f) - AM to T Tab 1 (Notification Letters) Updated 2019.docx

Paula,

Can you please prepare envelopes for the four letters in the attachment and take them over to the H FO? They are for the formal 38(f) notification on Cats I-III.

Thanks

Rob

Robert Monjay
202-663-2817 (office)
[REDACTED] (mobile)

Message

From: String, Marik A [StringMA@state.gov]
Sent: 2/1/2019 1:09:24 AM
To: Taylor, Mary Elizabeth [TaylorME3@state.gov]; Faulkner, Charles S [FaulknerCS@state.gov]
Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

FYI

From: Paul, Joshua M <PaulJM@state.gov>
Date: January 31, 2019 at 7:32:29 PM EST
To: PM-DAS's <PM-DASs@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>
Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns
Importance: High

Note mention of Menendez intent to place a hold and Engel to have a hearing.

Trump Administration Eases Regulations on Gun Exports, Raising Concerns
 By Nicholas Fandos

Jan. 31, 2019

WASHINGTON — American gun manufacturers and their allies have pressed the federal government for years to change the way it regulates small-arms exports in an effort to ease restrictions, boost gun sales abroad and lower costs at home. The Trump administration appears to be on the brink of delivering.

Officials from the State and Commerce Departments — the two entities tasked with regulating arms sales internationally — privately told Congress this week that they intend to finalize rules next week that would shuffle which agency oversees most consumer gun exports, relaxing export regulations and oversight, according to congressional aides familiar with the plans. Once Congress receives formal notification of the rule change, lawmakers will have 30 days to decide whether to intervene or let the new rules take effect.

Under the changes, many American gun and ammunition manufacturers that sell primarily to consumers would no longer be required to register with the State Department, which currently licenses international arms sales, or to pay the department an annual fee. Instead, those sales would be licensed by the Commerce Department, which has a simpler process and does not charge a fee.

The changes are almost certain to provoke resistance from some Democratic lawmakers, who fear that lighter regulation will lead to a proliferation of American guns, including AR-15s and similar semiautomatic rifles frequently used in mass shootings, around the world and exacerbate illegal arms trafficking. Senator Robert Menendez of New Jersey, the top Democrat on the Senate Foreign Relations Committee, has such strong concerns that he plans to place a hold on the new rule — a step that his staff believes could effectively bar it being carried out for a period of time to allow for negotiations over his objections.

But blocking the changes permanently would be exceedingly difficult. It would require an act of Congress and, therefore, the overwhelming support of congressional Republicans, who generally back changes that will lessen

regulations on businesses, especially gun manufacturers.

Though many liberal lawmakers now oppose the plan, the push to streamline government controls on American arms exports began under President Barack Obama to promote export opportunities for American companies and refocus regulatory attention on sales that could pose national security risks.

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The rule to move commercial gun export licenses to the Commerce Department was nearly complete when a gunman opened fired at Sandy Hook Elementary School in Newtown, Conn., in late 2012, killing 26 people, most of them children. Though the proposal was not related to domestic gun control, Mr. Obama's administration delayed the rule-making process and never reopened it.

Mr. Trump's campaign to pare back federal regulations across the government revived the issue. He formally proposed a rule change virtually identical to Mr. Obama's last May and has subsequently incorporated public comments. The meeting between administration and congressional officials this week was meant to draw that process to a close.

Among the items being transferred to the Commerce Department's jurisdiction are semiautomatic and single-shot firearms, as well as a range of parts and components. The State Department will continue to license sales of items that serve "a critical military advantage or perform an inherently military function," including automatic weapons.

In moving jurisdiction of certain sales from the State Department to the Commerce Department, Congress will lose an oversight lever that it covets and has relied on in high-profile cases in the past. Under the Arms Export Control Act, the State Department is required to submit information on any commercial arms sale worth \$1 million or more to congressional review. The Commerce Department has no such requirement.

That lack of visibility is high among Mr. Menendez's concerns. Democrats also believe the changes have implications for the proliferation of blueprints for 3-D printed guns online and could undercut a federal lawsuit brought by several state attorneys general to block such blueprints from being shared online.

"I think it's the beginning of the Trump administration trying to move a series of different sales that are generally considered arms sales into a more commercial category," Mr. Menendez said in a brief interview on Thursday. "That's not good."

In the House, where Democrats hold the majority and could conceivably pass a bill to block the change, Representative Eliot L. Engel of New York, the chairman of the House Foreign Affairs Committee, will most likely hold a hearing on the proposed changes.

And at least one House Democrat, Representative Norma J. Torres of California, has introduced legislation in the past to block the proposed shift and keep oversight responsibilities with the State Department. A spokeswoman for Ms. Torres said she planned to reintroduce the measure in the coming days. The changes, the congresswoman wrote last year, "could be a boon for illegal weapons traffickers and their unsavory customers — from ISIS to Mexico's Sinaloa Cartel."

Proponents say Democrats are being hyperbolic and point out that there were few objections on the left when Mr. Obama proposed his own rule.

A State Department official, speaking anonymously to discuss a rule that has not been finalized, stressed that arms transferred to the Commerce Department's purview will still be subject to strict licensing requirements

and a review by multiple American agencies, including the State Department. The official said the changes are meant to prioritize the control of military grade or other arms that pose national security concerns rather than commercial items. The change would also cut costs for businesses.

Lawrence Keane of the National Shooting Sports Foundation, one of the leading advocates for the new rules, predicted they would make “American companies more competitive internationally without diminishing national security.”

“Why would you not do that?” he added.

Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/1/2019 1:49:50 PM
To: Rogers, Shana A [RogersSA2@state.gov]
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

Official - Transitory
UNCLASSIFIED

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Friday, February 1, 2019 8:03 AM
To: String, Marik A <StringMA@state.gov>; Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Celin, Liliana E <CelinLE@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>; Strohmeier, Isabella <StrohmeierI@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

(+ Jeff for awareness)

[REDACTED]

Official - Transitory
UNCLASSIFIED

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 01, 2019 7:59 AM
To: Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Celin, Liliana E <CelinLE@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Strohmeier, Isabella <StrohmeierI@state.gov>
Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

From: Miller, Michael F <MillerMF@state.gov>
Date: January 31, 2019 at 9:24:01 PM EST
To: String, Marik A <StringMA@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>, Celin, Liliana E <CelinLE@state.gov>, Windecker, Melissa A <WindeckerMA@state.gov>
Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

From: String, Marik A <StringMA@state.gov>

Date: February 1, 2019 at 5:01:07 AM GMT+3

To: Paul, Joshua M <PaulJM@state.gov>, Miller, Michael F <Millermf@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, Celin, Liliana E <CelinLE@state.gov>, Windecker, Melissa A <WindeckerMA@state.gov>

Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>

Date: January 31, 2019 at 8:34:46 PM EST

To: String, Marik A <StringMA@state.gov>, Miller, Michael F <Millermf@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

[REDACTED]

From: String, Marik A <StringMA@state.gov>

Date: January 31, 2019 at 8:20:24 PM EST

To: Paul, Joshua M <PaulJM@state.gov>, Miller, Michael F <Millermf@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>

Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

Thanks

Marik

From: Paul, Joshua M <PaulJM@state.gov>

Date: January 31, 2019 at 7:32:29 PM EST

To: PM-DAS's <PM-DASs@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>

Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Importance: High

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The changes are almost certain to provoke resistance from some Democratic lawmakers, who fear that lighter regulation will lead to a proliferation of American guns, including AR-15s and similar semiautomatic rifles frequently used in mass shootings, around the world and exacerbate illegal arms trafficking. Senator Robert Menendez of New Jersey, the top Democrat on the Senate Foreign Relations Committee, has such strong concerns that he plans to place a hold on the new rule — a step that his staff believes could effectively bar it being carried out for a period of time to allow for negotiations over his objections.

But blocking the changes permanently would be exceedingly difficult. It would require an act of Congress and, therefore, the overwhelming support of congressional Republicans, who generally back changes that will lessen regulations on businesses, especially gun manufacturers.

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comments. The meeting between administration and congressional officials this week was meant to draw that process to a close.

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Proponents say Democrats are being hyperbolic and point out that there were few objections on the left when Mr. Obama proposed his own rule.

A State Department official, speaking anonymously to discuss a rule that has not been finalized, stressed that arms transferred to the Commerce Department's purview will still be subject to strict licensing requirements and a review by multiple American agencies, including the State Department. The official said the changes are meant to prioritize the control of military grade or other arms that pose national security concerns rather than commercial items. The change would also cut costs for businesses.

Lawrence Keane of the National Shooting Sports Foundation, one of the leading advocates for the new rules, predicted they would make "American companies more competitive internationally without diminishing national security."

"Why would you not do that?" he added.

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 2/1/2019 2:19:10 PM
To: Kovar, Jeffrey D [KovarJD@state.gov]
CC: Minarich, Christine M [MinarichCM@state.gov]
Subject: Weekly readaheads
Attachments: 20190201_LPM.docx

Hi Jeff,
Here are some initial thoughts.

Thanks,
Shana

Official - SBU
UNCLASSIFIED

L/PM

1. **(SBU) ITAR Revisions to Categories I-III (firearms):** On February 4, the Department may provide formal notification to Congress of its intent to remove items from the USML as required section 38(f) of the Arms Export Control Act. As a result of these rules, when implemented, the Department will no longer control the CAD files required to 3D print firearms involved in the *Washington* litigation. These rules have been the subject of much congressional interest over the last several years (both positive and negative), and according to a NY Times article, Senator Menendez plans to place a hold on the new rule. [REDACTED]

Message

From: Schwab, Carol M [SchwabCM@state.gov]
Sent: 2/1/2019 3:37:07 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
CC: String, Marik A [StringMA@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: USML reform

thanks

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Friday, February 01, 2019 10:36 AM
To: Schwab, Carol M <SchwabCM@state.gov>
Cc: String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: USML reform

[REDACTED]

From: Schwab, Carol M <SchwabCM@state.gov>
Sent: Friday, February 1, 2019 10:36 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: String, Marik A <StringMA@state.gov>
Subject: FW: USML reform

[REDACTED]

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 01, 2019 10:33 AM
To: Taylor, Mary Elizabeth <TaylorME3@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Schwab, Carol M <SchwabCM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>
Subject: USML reform

H team,

[REDACTED]

[REDACTED]

Marik

[REDACTED]



Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 2/1/2019 3:55:47 PM
To: String, Marik A [StringMA@state.gov]
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

[REDACTED]

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 01, 2019 10:54 AM
To: Strohmeier, Isabella <StrohmeierI@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Celin, Liliana E <CelinLE@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Schwab, Carol M <SchwabCM@state.gov>
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

+ H. It would be good to have you join.

From: Strohmeier, Isabella <StrohmeierI@state.gov>
Date: February 1, 2019 at 10:48:39 AM EST
To: String, Marik A <StringMA@state.gov>, Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <MillerMF@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>, Celin, Liliana E <CelinLE@state.gov>, Windecker, Melissa A <WindeckerMA@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>, Abisellan, Eduardo <AbisellanE@state.gov>, Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

All,

If you are planning on joining the conference call [REDACTED] please use the following info to call in:

USA toll-free: [REDACTED]

Access code: [REDACTED]

Best,

Isabella

From: Paul, Joshua M <PaulJM@state.gov>

Date: January 31, 2019 at 7:32:29 PM EST

To: PM-DAS's <PM-DASs@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>

Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Importance: High

Note mention of Menendez intent to place a hold and Engel to have a hearing.

Trump Administration Eases Regulations on Gun Exports, Raising Concerns
By Nicholas Fandos

Jan. 31, 2019

WASHINGTON — American gun manufacturers and their allies have pressed the federal government for years to change the way it regulates small-arms exports in an effort to ease restrictions, boost gun sales abroad and lower costs at home. The Trump administration appears to be on the brink of delivering.

Officials from the State and Commerce Departments — the two entities tasked with regulating arms sales internationally — privately told Congress this week that they intend to finalize rules next week that would shuffle which agency oversees most consumer gun exports, relaxing export regulations and oversight, according to congressional aides familiar with the plans. Once Congress receives formal notification of the rule change, lawmakers will have 30 days to decide whether to intervene or let the new rules take effect.

Under the changes, many American gun and ammunition manufacturers that sell primarily to consumers would no longer be required to register with the State Department, which currently licenses international arms sales, or to pay the department an annual fee. Instead, those sales would be licensed by the Commerce Department, which has a simpler process and does not charge a fee.

The changes are almost certain to provoke resistance from some Democratic lawmakers, who fear that lighter regulation will lead to a proliferation of American guns, including AR-15s and similar semiautomatic rifles frequently used in mass shootings, around the world and exacerbate illegal arms trafficking. Senator Robert Menendez of New Jersey, the top Democrat on the Senate Foreign Relations Committee, has such strong concerns that he plans to place a hold on the new rule — a step that his staff believes could effectively bar it being carried out for a period of time to allow for negotiations over his objections.

But blocking the changes permanently would be exceedingly difficult. It would require an act of Congress and, therefore, the overwhelming support of congressional Republicans, who generally back changes that will

lessen regulations on businesses, especially gun manufacturers.

Though many liberal lawmakers now oppose the plan, the push to streamline government controls on American arms exports began under President Barack Obama to promote export opportunities for American companies and refocus regulatory attention on sales that could pose national security risks.

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The rule to move commercial gun export licenses to the Commerce Department was nearly complete when a gunman opened fired at Sandy Hook Elementary School in Newtown, Conn., in late 2012, killing 26 people, most of them children. Though the proposal was not related to domestic gun control, Mr. Obama's administration delayed the rule-making process and never reopened it.

Mr. Trump's campaign to pare back federal regulations across the government revived the issue. He formally proposed a rule change virtually identical to Mr. Obama's last May and has subsequently incorporated public comments. The meeting between administration and congressional officials this week was meant to draw that process to a close.

Among the items being transferred to the Commerce Department's jurisdiction are semiautomatic and single-shot firearms, as well as a range of parts and components. The State Department will continue to license sales of items that serve "a critical military advantage or perform an inherently military function," including automatic weapons.

In moving jurisdiction of certain sales from the State Department to the Commerce Department, Congress will lose an oversight lever that it covets and has relied on in high-profile cases in the past. Under the Arms Export Control Act, the State Department is required to submit information on any commercial arms sale worth \$1 million or more to congressional review. The Commerce Department has no such requirement.

That lack of visibility is high among Mr. Menendez's concerns. Democrats also believe the changes have implications for the proliferation of blueprints for 3-D printed guns online and could undercut a federal lawsuit brought by several state attorneys general to block such blueprints from being shared online.

"I think it's the beginning of the Trump administration trying to move a series of different sales that are generally considered arms sales into a more commercial category," Mr. Menendez said in a brief interview on Thursday. "That's not good."

In the House, where Democrats hold the majority and could conceivably pass a bill to block the change, Representative Eliot L. Engel of New York, the chairman of the House Foreign Affairs Committee, will most likely hold a hearing on the proposed changes.

And at least one House Democrat, Representative Norma J. Torres of California, has introduced legislation in the past to block the proposed shift and keep oversight responsibilities with the State Department. A spokeswoman for Ms. Torres said she planned to reintroduce the measure in the coming days. The changes, the congresswoman wrote last year, "could be a boon for illegal weapons traffickers and their unsavory customers — from ISIS to Mexico's Sinaloa Cartel."

Proponents say Democrats are being hyperbolic and point out that there were few objections on the left when Mr. Obama proposed his own rule.

A State Department official, speaking anonymously to discuss a rule that has not been finalized, stressed that arms transferred to the Commerce Department's purview will still be subject to strict licensing requirements and a review by multiple American agencies, including the State Department. The official said the changes are meant to prioritize the control of military grade or other arms that pose national security concerns rather than commercial items. The change would also cut costs for businesses.

Lawrence Keane of the National Shooting Sports Foundation, one of the leading advocates for the new rules, predicted they would make "American companies more competitive internationally without diminishing national security."

"Why would you not do that?" he added.

Message

From: Taylor, Mary Elizabeth [TaylorME3@state.gov]
Sent: 2/1/2019 5:55:48 PM
To: String, Marik A [StringMA@state.gov]; Faulkner, Charles S [FaulknerCS@state.gov]; Schwab, Carol M [SchwabCM@state.gov]; Darrach, Tamara A [DarrachTA@state.gov]
CC: Miller, Michael F [MillerMF@state.gov]; Paul, Joshua M [PaulJM@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Abisellan, Eduardo [AbisellanE@state.gov]; Brechwald, Matthew J (T) [BrechwaldMJ2@state.gov]; Barz, Chloe O [BarzCO@state.gov]
Subject: RE: USML reform

Thanks. + Chloe

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 1, 2019 10:33 AM
To: Taylor, Mary Elizabeth <TaylorME3@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Schwab, Carol M <SchwabCM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>
Subject: USML reform

H team,

[REDACTED]


Marik

[REDACTED]

[REDACTED]

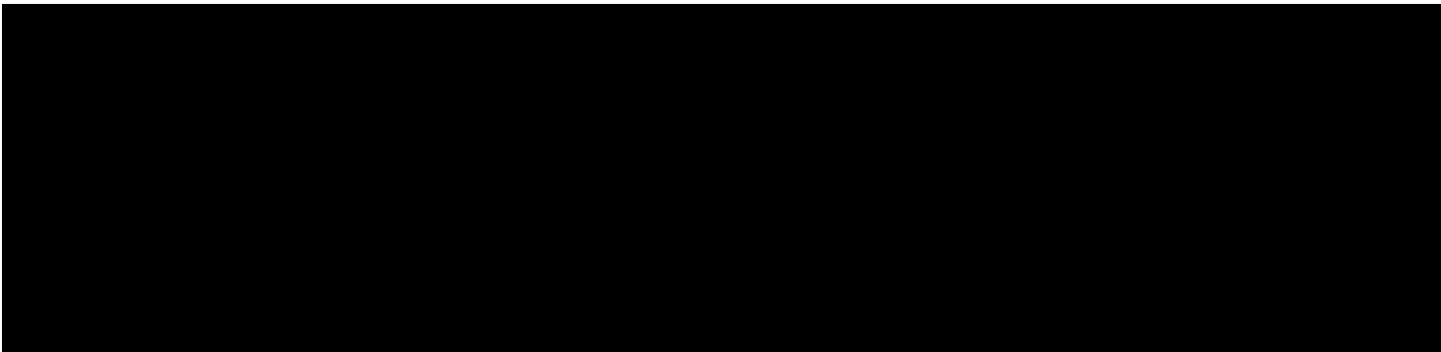
Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/1/2019 7:14:28 PM
To: Rogers, Shana A [RogersSA2@state.gov]; Minarich, Christine M [MinarichCM@state.gov]
Subject: RE: Draft AM on 1-3



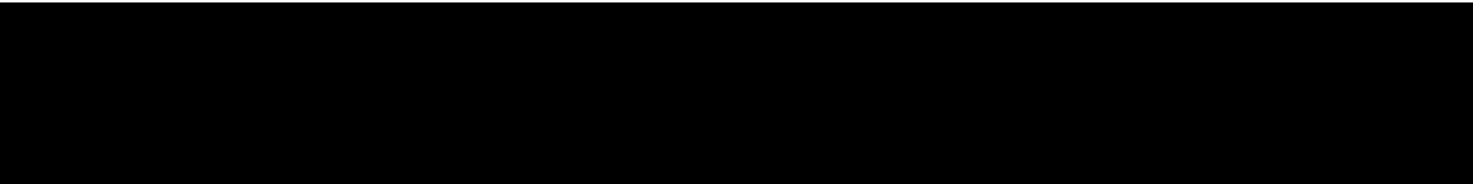
Official - SBU (Deliberative Process, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Friday, February 1, 2019 2:07 PM
To: Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>
Subject: RE: Draft AM on 1-3



Official - SBU (Deliberative Process, Attorney-Client Privilege)
UNCLASSIFIED

From: Kovar, Jeffrey D <KovarJD@state.gov>
Sent: Friday, February 01, 2019 1:58 PM
To: Rogers, Shana A <RogersSA2@state.gov>; Minarich, Christine M <MinarichCM@state.gov>
Subject: RE: Draft AM on 1-3



Official - SBU (Deliberative Process, Attorney-Client Privilege)
UNCLASSIFIED

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Friday, February 1, 2019 1:49 PM
To: Minarich, Christine M <MinarichCM@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Subject: FW: Draft AM on 1-3

[REDACTED]

My edits are below. I'd appreciate any further edits, thoughts, concerns, on these.

Official - SBU (Deliberative Process, Attorney-Client Privilege)
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Friday, February 01, 2019 12:04 PM
To: Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Draft AM on 1-3

[REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Friday, February 1, 2019 11:37 AM
To: String, Marik A <StringMA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Draft AM on 1-3

+Rob

Here are two draft emails – version A [REDACTED] Version B if [REDACTED]

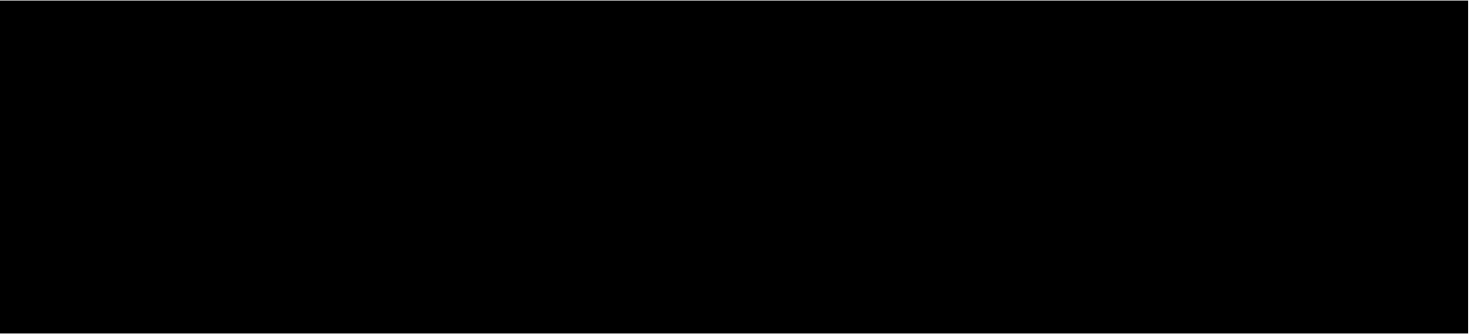
[REDACTED]

[REDACTED]

Version A: [REDACTED]

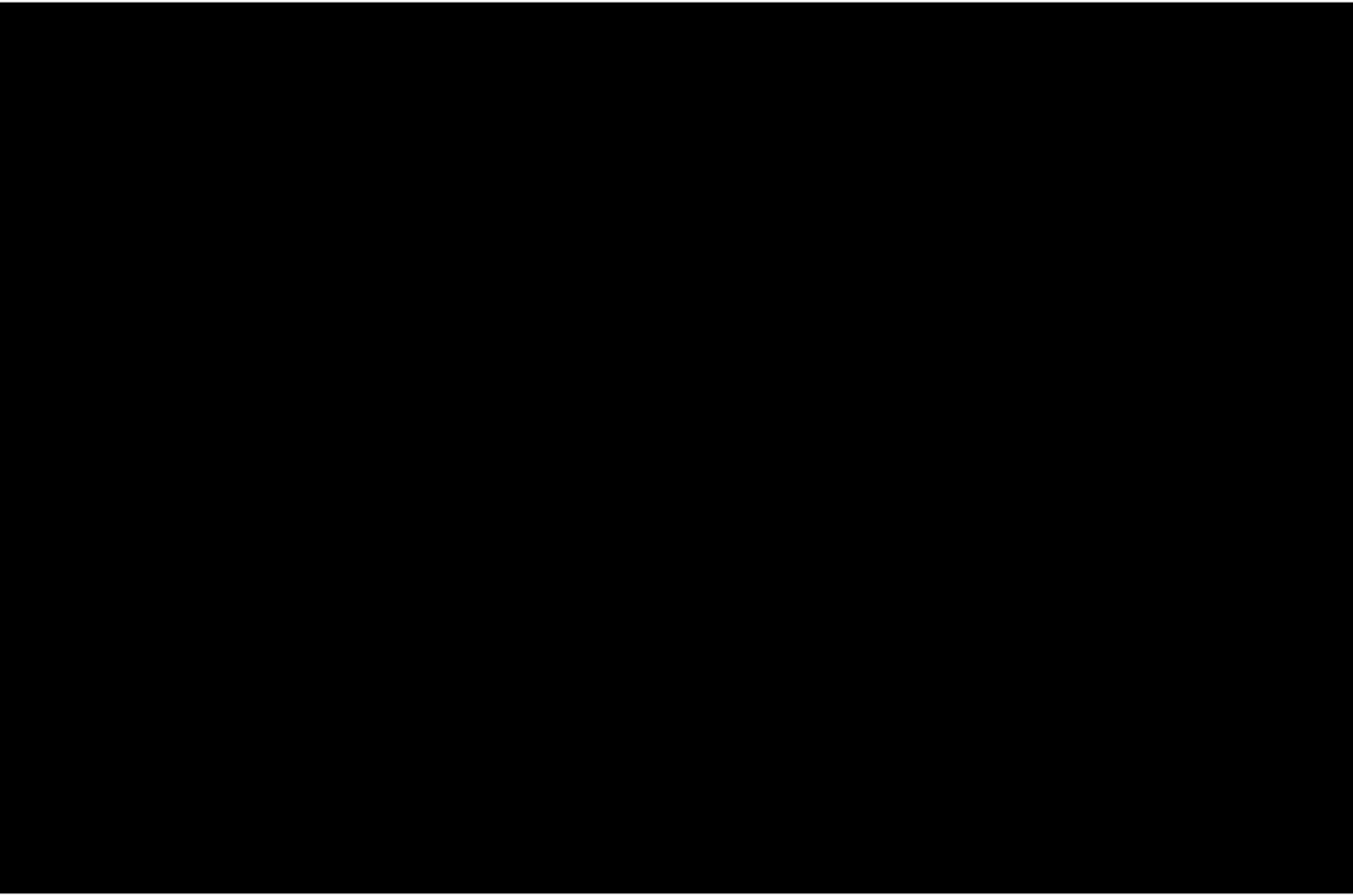
Dear X,

[REDACTED]



Sincerely, etc etc.

Version B:  (changes in **BOLD**)



Sincerely, etc etc.


From: String, Marik A <StringMA@state.gov>

Sent: Friday, February 01, 2019 10:48 AM

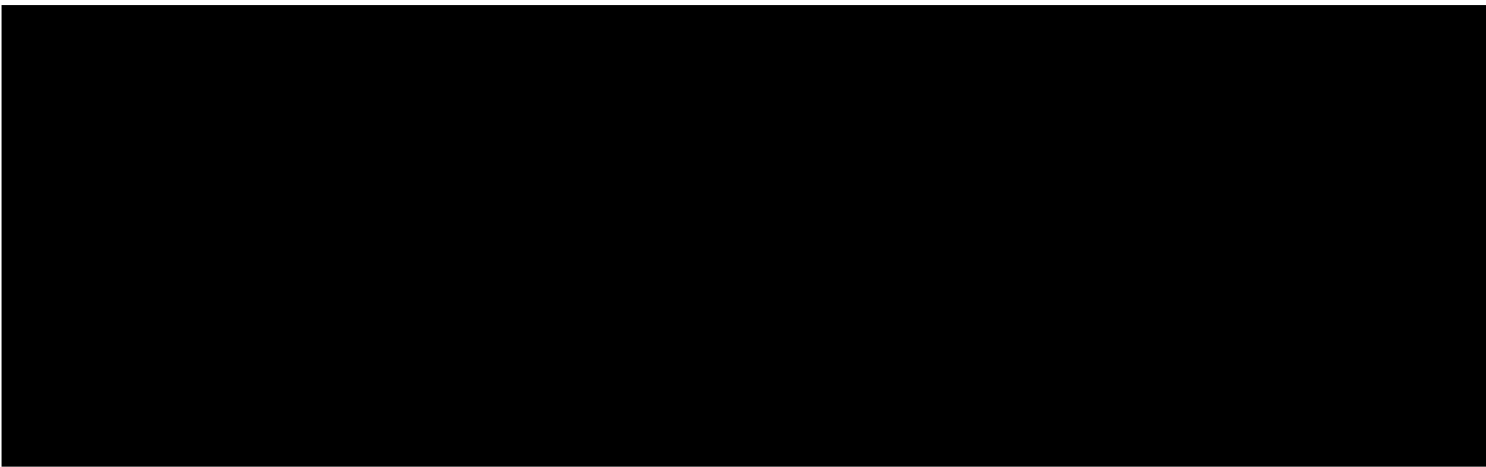
To: Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>

Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>

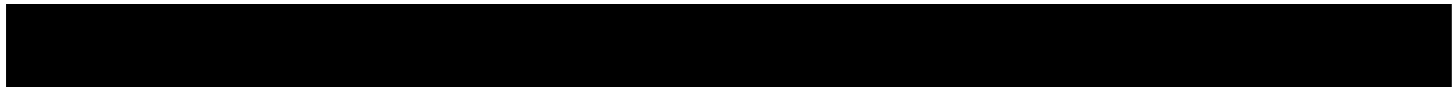
Subject: RE: Draft AM on 1-3



From: Heidema, Sarah J <HeidemaSJ@state.gov>
Date: February 1, 2019 at 9:59:24 AM EST
To: String, Marik A <StringMA@state.gov>, Paul, Joshua M <PaulJM@state.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <Millermf@state.gov>
Subject: RE: Draft AM on 1-3




From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 1, 2019 9:00 AM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>
Subject: RE: Draft AM on 1-3



From: Paul, Joshua M <PaulJM@state.gov>
Date: February 1, 2019 at 8:52:39 AM EST
To: String, Marik A <StringMA@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>, Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <Millermf@state.gov>
Subject: RE: Draft AM on 1-3

Thanks -- concur and will do.

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 01, 2019 8:51 AM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>
Subject: RE: Draft AM on 1-3



From: Paul, Joshua M <PaulJM@state.gov>

Date: February 1, 2019 at 8:32:12 AM EST

To: Heidema, Sarah J <HeidemaSJ@state.gov>, String, Marik A <StringMA@state.gov>, Monjay, Robert <MonjayR@state.gov>, Miller, Michael F <Millermf@state.gov>, Dearth, Anthony M <DearthAM@state.gov>, Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, Jost, Aaron W <JostAW@state.gov>

Subject: RE: Draft AM on 1-3

Folks, please do wait for Sarah's edits. And again, this is contingency paper, not currently required.

From: Heidema, Sarah J <HeidemaSJ@state.gov>

Sent: Friday, February 01, 2019 8:25 AM

To: Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>

Subject: RE: Draft AM on 1-3

I'll have significant edits to this. Folks may want to wait for those.

From: Paul, Joshua M <PaulJM@state.gov>

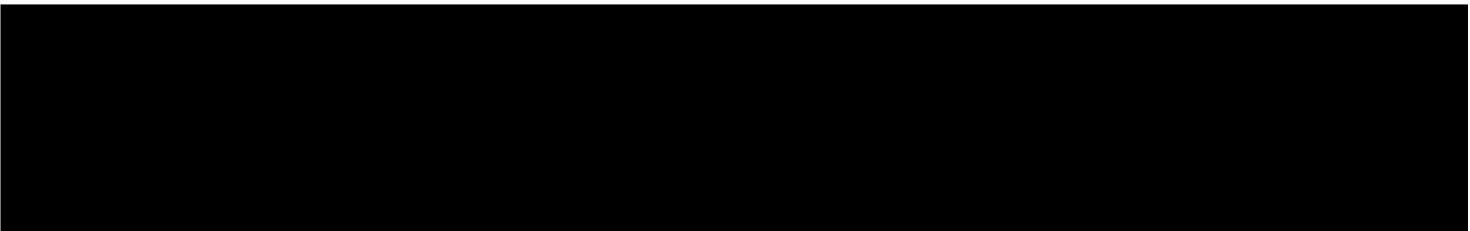
Sent: Friday, February 1, 2019 7:38 AM

To: String, Marik A <StringMA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>

Subject: Draft AM on 1-3

Dear all,



Thanks,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

Stay connected with *State.gov*:



This message is UNCLASSIFIED, per E.O. 12958

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 2/1/2019 7:47:55 PM
To: Minarich, Christine M [MinarichCM@state.gov]
CC: Kovar, Jeffrey D [KovarJD@state.gov]
Subject: FW: Draft AM on 1-3
Attachments: AM Cats 1-3 CN (L).docx

Christine,

I just started on this, [REDACTED]
[REDACTED] I'll look at it again later, but would welcome your revisions.

Thanks,
Shana

Official - SBU
UNCLASSIFIED

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Friday, February 01, 2019 11:35 AM
To: Paul, Joshua M <PaulJM@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; String, Marik A <StringMA@state.gov>; Miller, Michael F <MillerMF@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Draft AM on 1-3

Here are my edits. [REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Friday, February 1, 2019 8:32 AM
To: Heidema, Sarah J <HeidemaSJ@state.gov>; String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>
Subject: RE: Draft AM on 1-3

Folks, please do wait for Sarah's edits. And again, this is contingency paper, not currently required.

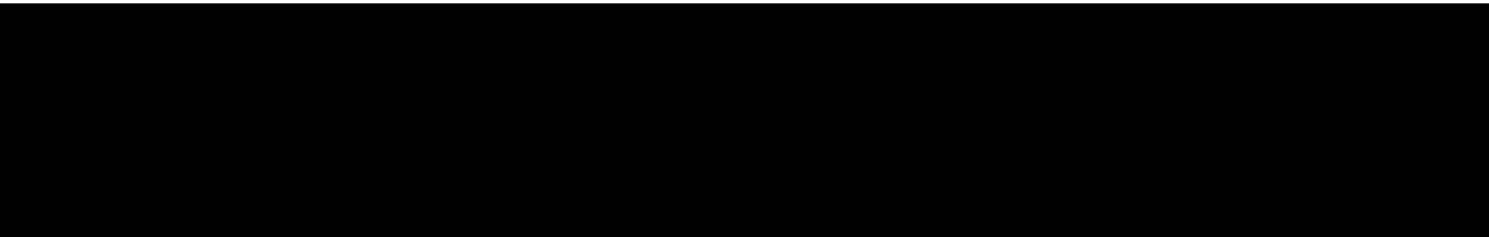
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Sent: Friday, February 01, 2019 8:25 AM
To: Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>
Subject: RE: Draft AM on 1-3

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To: String, Marik A <StringMA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <Millermf@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>
Subject: Draft AM on 1-3

Dear all,



Thanks,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] 📠 Fax: 202.647.4055

✉ e-mail: Paul.JM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

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This message is UNCLASSIFIED, per E.O. 12958

Message

From: String, Marik A [StringMA@state.gov]
Sent: 2/1/2019 7:56:29 PM
To: Paul, Joshua M [PaulJM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]
CC: Miller, Michael F [MillerMF@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: RE: Draft AM on 1-3

[REDACTED]

From: Paul, Joshua M <PaulJM@state.gov>
Date: February 1, 2019 at 2:29:12 PM EST
To: Rogers, Shana A <RogersSA2@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>, String, Marik A <StringMA@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>, Monjay, Robert <MonjayR@state.gov>
Subject: RE: Draft AM on 1-3

Thanks all. [REDACTED]

From: Rogers, Shana A <RogersSA2@state.gov>
Sent: Friday, February 01, 2019 2:28 PM
To: Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; String, Marik A <StringMA@state.gov>
Cc: Miller, Michael F <MillerMF@state.gov>; Monjay, Robert <MonjayR@state.gov>
Subject: RE: Draft AM on 1-3

Version A: If [REDACTED]

[REDACTED]

[REDACTED]

Sincerely, etc etc.

Version B: If [REDACTED]

Dear X,

[REDACTED]

Official - SBU (Deliberative Process, Attorney-Client Privilege)
UNCLASSIFIED

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Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>; Monjay, Robert

<MonjayR@state.gov>

Subject: RE: Draft AM on 1-3

Thanks – Shana?

From: Heidema, Sarah J <HeidemaSJ@state.gov>

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To: Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>

Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Monjay, Robert <MonjayR@state.gov>

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Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Monjay, Robert <MonjayR@state.gov>

Subject: RE: Draft AM on 1-3

+Rob

Here are two draft emails – version A if [REDACTED]

Version B if [REDACTED]

Version A: If [REDACTED]

Dear X,

[REDACTED]

Sincerely, etc etc.

Version B: If [REDACTED]

Dear X,

[REDACTED]

Sincerely, etc etc.

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Sent: Friday, February 01, 2019 10:48 AM

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Cc: Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <Millermf@state.gov>


Subject: RE: Draft AM on 1-3

[REDACTED]


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Date: February 1, 2019 at 9:59:24 AM EST

To: String, Marik A <StringMA@state.gov>, Paul, Joshua M <PaulJM@state.gov>
Cc: Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <MillerMF@state.gov>
Subject: RE: Draft AM on 1-3



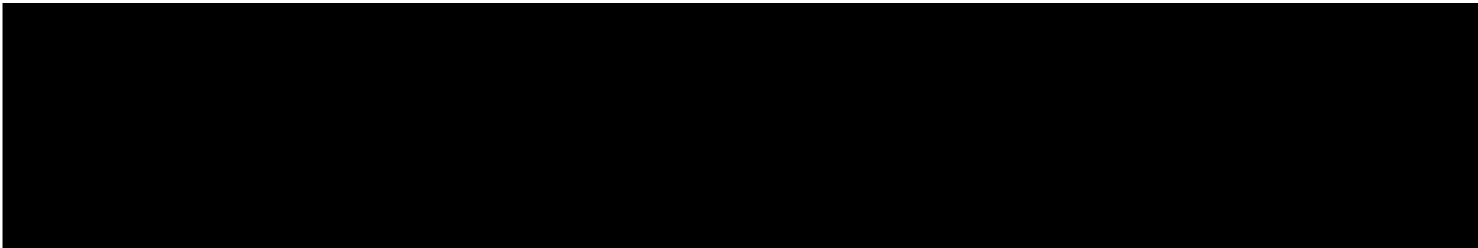
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To: Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: RE: Draft AM on 1-3



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Date: February 1, 2019 at 8:52:39 AM EST
To: String, Marik A <StringMA@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>, Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <MillerMF@state.gov>
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Sent: Friday, February 01, 2019 8:51 AM
To: Paul, Joshua M <PaulJM@state.gov>
Cc: Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>
Subject: RE: Draft AM on 1-3



From: Paul, Joshua M <PaulJM@state.gov>

Date: February 1, 2019 at 8:32:12 AM EST

To: Heidema, Sarah J <HeidemaSJ@state.gov>, String, Marik A <StringMA@state.gov>, Monjay, Robert <MonjayR@state.gov>, Miller, Michael F <MillerMF@state.gov>, Dearth, Anthony M <DearthAM@state.gov>, Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, Jost, Aaron W <JostAW@state.gov>

Subject: RE: Draft AM on 1-3

Folks, please do wait for Sarah's edits. And again, this is contingency paper, not currently required.

From: Heidema, Sarah J <HeidemaSJ@state.gov>

Sent: Friday, February 01, 2019 8:25 AM

To: Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>

Subject: RE: Draft AM on 1-3

I'll have significant edits to this. Folks may want to wait for those.

From: Paul, Joshua M <PaulJM@state.gov>

Sent: Friday, February 1, 2019 7:38 AM

To: String, Marik A <StringMA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Monjay, Robert <MonjayR@state.gov>; Miller, Michael F <MillerMF@state.gov>; Dearth, Anthony M <DearthAM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>; Jost, Aaron W <JostAW@state.gov>

Subject: Draft AM on 1-3

Dear all,

Thanks,

Josh

Josh Paul

Director, Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: PaulJM@State.Gov | 🌐 Web: www.state.gov/t/pm/

🐦 <http://twitter.com/StateDeptPM>

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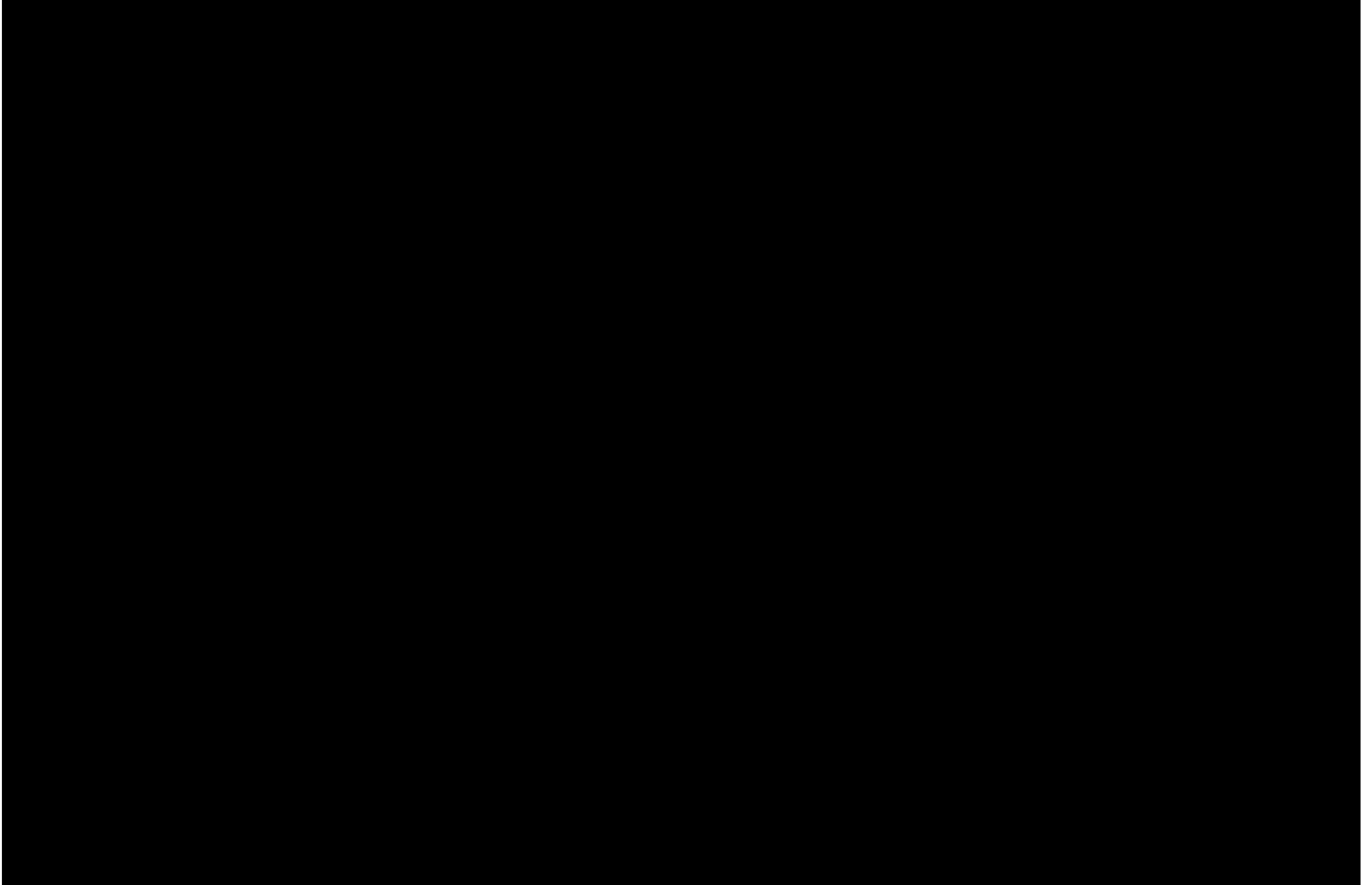


This message is UNCLASSIFIED, per E.O. 12958

Message

From: Paul, Joshua M [PaulJM@state.gov]
Sent: 2/1/2019 7:59:40 PM
To: String, Marik A [StringMA@state.gov]
Subject: Heads Up re: Monday Notification of Change in Firearms Export Controls

Dear XXX,



Sincerely, etc etc.

Message

From: Abisellan, Eduardo [AbisellanE@state.gov]
Sent: 2/1/2019 8:06:27 PM
To: String, Marik A [StringMA@state.gov]
Subject: RE: ITAR

Thanks Marik, much appreciated. Best, Ed

Official
UNCLASSIFIED

From: String, Marik A <StringMA@state.gov>
Sent: Friday, February 1, 2019 3:06 PM
To: Abisellan, Eduardo <AbisellanE@state.gov>
Subject: ITAR

Ed,
You can pull from this in your package to T.
Thanks
Marik

Message

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 2/1/2019 9:27:50 PM
To: Minarich, Christine M [MinarichCM@state.gov]
Subject: Fw: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns
Attachments: Call Sheet.docx

FYI.

Sent from my BlackBerry 10 smartphone.

From: Paul, Joshua M <PaulJM@state.gov>
Sent: Friday, February 1, 2019 4:04 PM
To: Faulkner, Charles S; String, Marik A; Strohmeier, Isabella; Rogers, Shana A; Miller, Michael F; Heidema, Sarah J
Cc: PM-CPA; Celin, Liliana E; Windecker, Melissa A; Kovar, Jeffrey D; Abisellan, Eduardo; Brechwald, Matthew J (T); Darrach, Tamara A; Schwab, Carol M
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Hi all,

Thanks,

Josh

From: Faulkner, Charles S <FaulknerCS@state.gov>
Sent: Friday, February 01, 2019 10:58 AM
To: String, Marik A <StringMA@state.gov>; Strohmeier, Isabella <StrohmeierI@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
Cc: PM-CPA <PM-CPA@state.gov>; Celin, Liliana E <CelinLE@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Schwab, Carol M <SchwabCM@state.gov>
Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

H will join.

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Cc: PM-CPA; Celin, Liliana E; Windecker, Melissa A; Kovar, Jeffrey D; Abisellan, Eduardo; Brechwald, Matthew J (T); Faulkner, Charles S; Darrach, Tamara A; Schwab, Carol M

Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

+ H. It would be good to have you join.

From: Strohmeyer, Isabella <StrohmeyerI@state.gov>

Date: February 1, 2019 at 10:48:39 AM EST

To: String, Marik A <StringMA@state.gov>, Rogers, Shana A <RogersSA2@state.gov>, Miller, Michael F <MillerMF@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, Celin, Liliana E <CelinLE@state.gov>, Windecker, Melissa A <WindeckerMA@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>, Abisellan, Eduardo <AbisellanE@state.gov>, Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>

Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

All,
If you are planning on joining the conference call [REDACTED] please use the following info to call in:

USA toll-free: [REDACTED]

Access code: [REDACTED]

Best,
Isabella

From: Paul, Joshua M <PaulJM@state.gov>

Date: January 31, 2019 at 7:32:29 PM EST

To: PM-DAS's <PM-DASs@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>

Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Importance: High

Note mention of Menendez intent to place a hold and Engel to have a hearing.

Trump Administration Eases Regulations on Gun Exports, Raising Concerns
By Nicholas Fandos

Jan. 31, 2019

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Officials from the State and Commerce Departments — the two entities tasked with regulating arms sales internationally — privately told Congress this week that they intend to finalize rules next week that would

shuffle which agency oversees most consumer gun exports, relaxing export regulations and oversight, according to congressional aides familiar with the plans. Once Congress receives formal notification of the rule change, lawmakers will have 30 days to decide whether to intervene or let the new rules take effect.

Under the changes, many American gun and ammunition manufacturers that sell primarily to consumers would no longer be required to register with the State Department, which currently licenses international arms sales, or to pay the department an annual fee. Instead, those sales would be licensed by the Commerce Department, which has a simpler process and does not charge a fee.

The changes are almost certain to provoke resistance from some Democratic lawmakers, who fear that lighter regulation will lead to a proliferation of American guns, including AR-15s and similar semiautomatic rifles frequently used in mass shootings, around the world and exacerbate illegal arms trafficking. Senator Robert Menendez of New Jersey, the top Democrat on the Senate Foreign Relations Committee, has such strong concerns that he plans to place a hold on the new rule — a step that his staff believes could effectively bar it being carried out for a period of time to allow for negotiations over his objections.

But blocking the changes permanently would be exceedingly difficult. It would require an act of Congress and, therefore, the overwhelming support of congressional Republicans, who generally back changes that will lessen regulations on businesses, especially gun manufacturers.

Though many liberal lawmakers now oppose the plan, the push to streamline government controls on American arms exports began under President Barack Obama to promote export opportunities for American companies and refocus regulatory attention on sales that could pose national security risks.

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The rule to move commercial gun export licenses to the Commerce Department was nearly complete when a gunman opened fired at Sandy Hook Elementary School in Newtown, Conn., in late 2012, killing 26 people, most of them children. Though the proposal was not related to domestic gun control, Mr. Obama's administration delayed the rule-making process and never reopened it.

Mr. Trump's campaign to pare back federal regulations across the government revived the issue. He formally proposed a rule change virtually identical to Mr. Obama's last May and has subsequently incorporated public comments. The meeting between administration and congressional officials this week was meant to draw that process to a close.

Among the items being transferred to the Commerce Department's jurisdiction are semiautomatic and single-shot firearms, as well as a range of parts and components. The State Department will continue to license sales of items that serve "a critical military advantage or perform an inherently military function," including automatic weapons.

In moving jurisdiction of certain sales from the State Department to the Commerce Department, Congress will lose an oversight lever that it covets and has relied on in high-profile cases in the past. Under the Arms Export Control Act, the State Department is required to submit information on any commercial arms sale worth \$1 million or more to congressional review. The Commerce Department has no such requirement.

That lack of visibility is high among Mr. Menendez's concerns. Democrats also believe the changes have implications for the proliferation of blueprints for 3-D printed guns online and could undercut a federal lawsuit brought by several state attorneys general to block such blueprints from being shared online.

"I think it's the beginning of the Trump administration trying to move a series of different sales that are

generally considered arms sales into a more commercial category,” Mr. Menendez said in a brief interview on Thursday. “That’s not good.”

In the House, where Democrats hold the majority and could conceivably pass a bill to block the change, Representative Eliot L. Engel of New York, the chairman of the House Foreign Affairs Committee, will most likely hold a hearing on the proposed changes.

And at least one House Democrat, Representative Norma J. Torres of California, has introduced legislation in the past to block the proposed shift and keep oversight responsibilities with the State Department. A spokeswoman for Ms. Torres said she planned to reintroduce the measure in the coming days. The changes, the congresswoman wrote last year, “could be a boon for illegal weapons traffickers and their unsavory customers — from ISIS to Mexico’s Sinaloa Cartel.”

Proponents say Democrats are being hyperbolic and point out that there were few objections on the left when Mr. Obama proposed his own rule.

A State Department official, speaking anonymously to discuss a rule that has not been finalized, stressed that arms transferred to the Commerce Department’s purview will still be subject to strict licensing requirements and a review by multiple American agencies, including the State Department. The official said the changes are meant to prioritize the control of military grade or other arms that pose national security concerns rather than commercial items. The change would also cut costs for businesses.

Lawrence Keane of the National Shooting Sports Foundation, one of the leading advocates for the new rules, predicted they would make “American companies more competitive internationally without diminishing national security.”

“Why would you not do that?” he added.

Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/1/2019 10:02:30 PM
To: Paul, Joshua M [PaulJM@state.gov]; Faulkner, Charles S [FaulknerCS@state.gov]; String, Marik A [StringMA@state.gov]; Strohmeyer, Isabella [StrohmeyerI@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Minarich, Christine M [MinarichCM@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; Celin, Liliana E [CelinLE@state.gov]; Windecker, Melissa A [WindeckerMA@state.gov]; Abisellan, Eduardo [AbisellanE@state.gov]; Brechwald, Matthew J (T) [BrechwaldMJ2@state.gov]; Darrach, Tamara A [DarrachTA@state.gov]; Schwab, Carol M [SchwabCM@state.gov]
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Official
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From: Paul, Joshua M <PaulJM@state.gov>
Sent: Friday, February 1, 2019 4:05 PM
To: Faulkner, Charles S <FaulknerCS@state.gov>; String, Marik A <StringMA@state.gov>; Strohmeyer, Isabella <StrohmeyerI@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
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Hi all,

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Sent: Friday, February 01, 2019 10:58 AM
To: String, Marik A <StringMA@state.gov>; Strohmeyer, Isabella <StrohmeyerI@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Miller, Michael F <MillerMF@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>
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Subject: Re: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

H will join.

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From: String, Marik A <stringma@state.gov>

Sent: Friday, February 1, 2019 10:54 AM

To: Strohmeier, Isabella; Rogers, Shana A; Miller, Michael F; Paul, Joshua M; Heidema, Sarah J

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Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

All,

If you are planning on joining the conference call [REDACTED] please use the following info to call in:

USA toll-free: [REDACTED]

Access code: [REDACTED]

Best,

Isabella

From: Paul, Joshua M <PaulJM@state.gov>

Date: January 31, 2019 at 7:32:29 PM EST

To: PM-DAS's <PM-DASs@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>

Subject: Fwd: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Importance: High

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By Nicholas Fandos

Jan. 31, 2019

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From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/1/2019 10:27:40 PM
To: Minarich, Christine M [MinarichCM@state.gov]
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Thanks – I will be on leave MOnday

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From: Minarich, Christine M <MinarichCM@state.gov>
Sent: Friday, February 1, 2019 5:07 PM
To: Kovar, Jeffrey D <KovarJD@state.gov>
Subject: RE: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Thanks. I'll coordinate any feedback I have with Shana.

Official
UNCLASSIFIED

From: Kovar, Jeffrey D <KovarJD@state.gov>
Sent: Friday, February 1, 2019 5:03 PM
To: Minarich, Christine M <MinarichCM@state.gov>
Subject: FW: CPA Media Monitoring: NY Times: Trump Administration Eases Regulations on Gun Exports, Raising Concerns

Official
UNCLASSIFIED

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Cc: PM-CPA <PM-CPA@state.gov>; Celin, Liliana E <CelinLE@state.gov>; Windecker, Melissa A <WindeckerMA@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>; Brechwald, Matthew J (T) <BrechwaldMJ2@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>; Schwab, Carol M <SchwabCM@state.gov>
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Isabella

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To: PM-DAS's <PM-DASs@state.gov>

Cc: PM-CPA <PM-CPA@state.gov>, PM-DTCP-Tasking-DL <PM-DTCP-Tasking-DL@state.gov>

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Under the changes, many American gun and ammunition manufacturers that sell primarily to consumers would no longer be required to register with the State Department, which currently licenses international arms sales, or to pay the department an annual fee. Instead, those sales would be licensed by the Commerce Department, which has a simpler process and does not charge a fee.

The changes are almost certain to provoke resistance from some Democratic lawmakers, who fear that lighter regulation will lead to a proliferation of American guns, including AR-15s and similar semiautomatic rifles frequently used in mass shootings, around the world and exacerbate illegal arms trafficking. Senator Robert Menendez of New Jersey, the top Democrat on the Senate Foreign Relations Committee, has such strong

concerns that he plans to place a hold on the new rule — a step that his staff believes could effectively bar it being carried out for a period of time to allow for negotiations over his objections.

But blocking the changes permanently would be exceedingly difficult. It would require an act of Congress and, therefore, the overwhelming support of congressional Republicans, who generally back changes that will lessen regulations on businesses, especially gun manufacturers.

Though many liberal lawmakers now oppose the plan, the push to streamline government controls on American arms exports began under President Barack Obama to promote export opportunities for American companies and refocus regulatory attention on sales that could pose national security risks.

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The rule to move commercial gun export licenses to the Commerce Department was nearly complete when a gunman opened fired at Sandy Hook Elementary School in Newtown, Conn., in late 2012, killing 26 people, most of them children. Though the proposal was not related to domestic gun control, Mr. Obama's administration delayed the rule-making process and never reopened it.

Mr. Trump's campaign to pare back federal regulations across the government revived the issue. He formally proposed a rule change virtually identical to Mr. Obama's last May and has subsequently incorporated public comments. The meeting between administration and congressional officials this week was meant to draw that process to a close.

Among the items being transferred to the Commerce Department's jurisdiction are semiautomatic and single-shot firearms, as well as a range of parts and components. The State Department will continue to license sales of items that serve "a critical military advantage or perform an inherently military function," including automatic weapons.

In moving jurisdiction of certain sales from the State Department to the Commerce Department, Congress will lose an oversight lever that it covets and has relied on in high-profile cases in the past. Under the Arms Export Control Act, the State Department is required to submit information on any commercial arms sale worth \$1 million or more to congressional review. The Commerce Department has no such requirement.

That lack of visibility is high among Mr. Menendez's concerns. Democrats also believe the changes have implications for the proliferation of blueprints for 3-D printed guns online and could undercut a federal lawsuit brought by several state attorneys general to block such blueprints from being shared online.

"I think it's the beginning of the Trump administration trying to move a series of different sales that are generally considered arms sales into a more commercial category," Mr. Menendez said in a brief interview on Thursday. "That's not good."

In the House, where Democrats hold the majority and could conceivably pass a bill to block the change, Representative Eliot L. Engel of New York, the chairman of the House Foreign Affairs Committee, will most likely hold a hearing on the proposed changes.

And at least one House Democrat, Representative Norma J. Torres of California, has introduced legislation in the past to block the proposed shift and keep oversight responsibilities with the State Department. A spokeswoman for Ms. Torres said she planned to reintroduce the measure in the coming days. The changes, the congresswoman wrote last year, "could be a boon for illegal weapons traffickers and their unsavory customers — from ISIS to Mexico's Sinaloa Cartel."

Proponents say Democrats are being hyperbolic and point out that there were few objections on the left when Mr. Obama proposed his own rule.

A State Department official, speaking anonymously to discuss a rule that has not been finalized, stressed that arms transferred to the Commerce Department's purview will still be subject to strict licensing requirements and a review by multiple American agencies, including the State Department. The official said the changes are meant to prioritize the control of military grade or other arms that pose national security concerns rather than commercial items. The change would also cut costs for businesses.

Lawrence Keane of the National Shooting Sports Foundation, one of the leading advocates for the new rules, predicted they would make "American companies more competitive internationally without diminishing national security."

"Why would you not do that?" he added.

Appointment

From: String, Marik A [StringMA@state.gov]
Sent: 2/3/2019 6:03:35 PM
To: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: Accepted: Export Controls PCC - Firearms / CATS I-III
Location: EEOB Room 445
Start: 2/8/2019 3:00:00 PM
End: 2/8/2019 4:30:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 2/4/2019 5:02:43 PM
To: String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]
CC: Paul, Joshua M [PaulJM@state.gov]
Subject: Cat 1-3

FYSA-[REDACTED] we have sent out the formal notification for Cats 1-3. [REDACTED]
[REDACTED]

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls
Department of State
202-663-2809

Message

From: Marquis, Matthew R [MarquisMR@state.gov]
Sent: 2/4/2019 5:16:44 PM
To: PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]
CC: PM-CPA [PM-CPA@state.gov]; PM-DDTC-Directors-DL [PM-DDTC-Directors-DL@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]
Subject: CPA Media Monitoring: Press Release: Torres, Engel Statement on Trump Administration Firearms Export Rule Change



Torres, Engel Statement on Trump Administration Firearms Export Rule Change
By the Office of Rep. Norma Torres
1 February 2019

WASHINGTON, DC – Today, U.S. Representatives Norma J. Torres (D-CA) and Eliot L. Engel (D-NY), Chairman of the House Foreign Affairs Committee, released the following statement ahead of the Trump administration’s rule change to loosen the regulation of firearms exports. The rule change would shift control of the export licensing process for firearms away from the U.S. Department of State to the U.S. Department of Commerce, which has far looser licensing rules and procedures.

“As the world’s largest firearms exporter, the United States ought to be focused on making sure that firearms don’t end up in the wrong hands. But with this rule, the Trump administration is doing the opposite, making it easier to sell military-type weapons and the means to make undetectable guns to foreign buyers.

“With this rule in effect, control of firearms will be transferred from the State Department to the Commerce Department. Firearm sales would be approved with no congressional oversight. Foreign nationals would be eligible for Commerce export licenses, making it easier for military weapons to end up in the hands of dictators, terrorists, and narco-traffickers. Many regions of the world are experiencing instability, including in Central America, and we can’t afford to fan the flames there. The new rules would also allow for the proliferation of 3-D printed weapons, which would be a major blow to efforts to combat international gun trafficking. Even the rule’s supporters admit that the change would be significant: firearm exports could increase as much as twenty percent.

“We need more oversight of firearms exports, not less. Next week, we will introduce legislation to push back against this change and protect America’s national security by helping to keep weapons from falling into the wrong hands.”

Last Congress, Torres and Engel introduced the Prevent Crime and Terrorism Act to limit the Trump administration’s plans to deregulate firearm exports.

Link: <https://torres.house.gov/media-center/press-releases/torres-engel-statement-trump-administration-firearms-export-rule-change>

Matthew Marquis
 Office of Congressional & Public Affairs
 Bureau of Political-Military Affairs (PM/CPA)
 U.S. Department of State

Phone: 202.647.6968

e-mail: MarquisMR@state.gov | Web: www.state.gov/t/pm / | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Message

From: Monjay, Robert [MonjayR@state.gov]
Sent: 2/4/2019 6:07:52 PM
To: PM-DTCP-CJC [PM-DTCP-CJC@state.gov]
Subject: Final Guns Rules - Please keep internal to DTCP for now
Attachments: Cat I-III FR - FRN 13.docx; 2018-12-13 Final Clean Commerce Cat I-III firearms rule_0694-AF47.docx

All,

[REDACTED]

Thanks

Rob

Robert J. Monjay
U.S. Department of State
Office of Defense Trade Controls Policy
Phone: 202.663.2817
Mobile: [REDACTED]
Email: MonjayR@state.gov

[REDACTED]

Official - SBU

UNCLASSIFIED

Message

From: Jim Bartlett, Full Circle Compliance [jebartlett@fullcirclecompliance.eu]
Sent: 2/5/2019 9:03:31 PM
To: hartrl@state.gov
Subject: 19-0205 Tuesday "Daily Bugle"

Tuesday, 5 February 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. Subscribe [here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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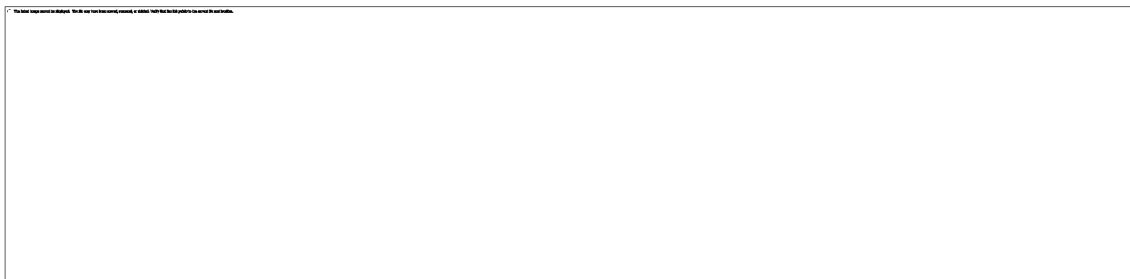
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ITEMS FROM TODAY'S FEDERAL REGISTER



1. Justice/ATF Seeks Comments Concerning Furnishing of Samples of Explosives Materials or Ammonium Nitrate (Source: Federal Register, 5 Feb 2019.) [Excerpts.]

84 FR 1788: Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Furnishing of Samples

- * AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.
- * ACTION: 60-Day notice.
- * SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The

proposed collection OMB 1140-0073 (Furnishing of Samples) is being revised due to a change in burden, since there is a reduction in both the total responses and total burden hours due to less respondents, since the last renewal in 2016.

* DATES: Comments are encouraged and will be accepted for 60 days until April 8, 2019.

* FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, either by mail 99 New York Ave. NE, Washington, DC 20226, or by email at eipb-informationcollection@atf.gov or by telephone at 202-648-7158.

* SUPPLEMENTARY INFORMATION: ...

Overview of This Information Collection

- Type of Information Collection (check justification or form 83): Revision of a currently approved collection.
- The Title of the Form/Collection: Furnishing of Samples. ...
- Form number (if applicable): None.
- Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice. ...
- Abstract: Pursuant to 18 U.S.C. Chapter 40 §843 (i) (1), ATF requires licensed manufacturers and importers and persons who manufacture or import explosives materials or ammonium nitrate to submit samples at the request of the Director. This collection of information is contained in 27 CFR 555.110. ...

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 31, 2019.

Melody Braswell, Department Clearance Officer for PRA, U.S. Department of Justice.

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OTHER GOVERNMENT SOURCES



2. Items Scheduled for Publication in Future Federal Register Editions
(Source: [Federal Register](#))

* DHS/CBP; NOTICES; Agency Information Collection Activities; Proposals, Submissions, and Approvals: Application for Extension of Bond for Temporary Importation [Pub. Date: 6 Feb 2019.]

* State; NOTICES; Agency Information Collection Activities; Proposals, Submissions, and Approvals: Request for Commodity Jurisdiction Determination [Pub. Date: 6 Feb 2019.]

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3. Commerce/BIS: (No new postings.) (Source: [Commerce/BIS](#))

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4. DHS/CBP Announces Extended Downtime for Ports 3801, 3802, and 3807 (Source: [CSMS# 19-000038](#), 5 Feb 2019.)

Due to inclement weather conditions, the U.S. Customs and Border Protection (CBP) Ports of Detroit (3801), Port Huron (3802) and Detroit Metropolitan Airport (3807), are extending one (1) additional day without penalty for all filers for the submission of entries and payment of duties that were due on January 28, 2019. Entries that were due on January 28, 2019, are now due the next business day on January 29, 2019 for the ports indicated. Should you have additional questions, please contact Entry Branch Chief, Erma Gonzalez-Upshaw at 313-442-0267.

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5. OMB/OIRA Reviews of Proposed Ex/Im Regulations (Source: [OMB/OIRA](#), 30 Jan 2019.)

* TITLE: Request for Public Comments Regarding Review of Commerce Control List for Items Transferred from United States Munitions List Categories IV and XV

- AGENCY: Commerce/BIS.
- STAGE: Prerule.
- RECEIVED DATE: 30 Jan 2019.
- RIN: [0694-AH66](#)
- STATUS: [Pending Review](#)

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6.

State/DDTC:
(No new postings.)
(Source: [State/DDTC](#))

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7. EU Commission Imposes Definitive Safeguard
Measures on Imports of Steel Products
(Source: [European Commission](#), 1 Feb 2019.)

Today, the European Commission published a [regulation imposing definitive safeguard measures on imports of steel products](#). These measures will take effect tomorrow, 2 February, and replace the provisional ones in place since July 2018.

A Commission investigation was launched in March 2018 as part of the European Union's response to the decision by the United States to impose tariffs on steel products. This investigation showed that imports of steel products into the EU have been increasing sharply. This is seriously threatening EU steelmakers, who are still in a fragile position due to persistent overcapacity in the global steel market and an unparalleled number of unfair trade practices by certain trading partners. The restrictions on the US market caused by the Section 232 tariffs on steel are causing a diversion of trade flows into the EU.

These measures are fully in line with the EU's WTO commitments and have been carefully shaped to preserve a continued flow of imports that guarantees effective competition in the European steel market and sufficient choice for the numerous EU users of steel.

The measures concern 26 steel product categories and consist of tariff-rate quotas above which a duty of 25% will apply. The tariff rate quotas fully preserve the traditional levels of imports into the EU and will be increased progressively. This system is similar to the provisional measures currently in place, with some important modifications that minimize trade disruptions and preserve traditional trade arrangements in terms of quantities and origins. For example, the main supplying countries will benefit from individual quotas based on their own historical imports.

These measures should remain in place for a period up to three years, but can be reviewed in case of changed circumstances.

The Commission has also decided to suspend the prior surveillance mechanism for the same products covered by the definitive measures as long as they are in effect.

Background

The Commission imposed provisional safeguard measures on imports of steel in July 2018.

The safeguard measures are part of the three-pronged response outlined by the European Commission in 2018. As a result of the import duties applied by the United States as of 23 March 2018 under Section 232 the US Trade Expansion Act of 1962, exporting steel to the United States has become less attractive.

There are already indications that, as a consequence, steel suppliers have diverted some of their exports from the US to the EU.

For More Information

- [Regulation imposing definitive safeguards on steel](#)
- [Provisional measures - July 2018](#)

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8. EU Commission Introduces New Rules on Firearms (Source: [European Commission](#), 5 Feb 2019.)

Today (5 February 2019), new rules to ensure that alarm and signal weapons cannot be converted into real firearms and to establish clear technical specifications on firearms' marking enter into force. In addition, the Commission also put forward new rules improving the way EU countries exchange information on transfers of firearms. They are currently being examined by the European Parliament and the Council. By setting stricter rules on firearms, the Commission aims to improve the security of EU citizens.

The rules coming into force today: **Alarm and signal weapons.** Alarm and signal weapons are devices with a cartridge holder designed to fire only blanks, irritants, other active substances or pyrotechnic signaling rounds. It should not be possible to convert them to expel a shot, bullet or projectile by the action of a combustible propellant. If it is possible to convert these weapons, they should be treated as firearms, with all the consequences entailed for their possession and acquisition.

In January 2019, the Commission adopted an [Implementing Directive](#) that sets out a set of technical criteria on how alarm and signal weapons have to be designed so that they cannot be converted into real firearms: **Marking of firearms.**

Marking is very important for the traceability of firearms and their essential components. The [Implementing Directive](#) adopted by the Commission in January 2019 establishes technical specifications to make firearms' marking

clearer and harder to erase. This will help increase the traceability of firearms and their essential components, and thus further reduce risks that firearms enter illegal channels.

Both Directives come into force on 5 February 2019. The technical specifications will be applicable 12 months later in all EU countries.

The rules currently under scrutiny of the European Parliament and the Council: **Exchange of information on transfers of firearms.**

In January 2019, the Commission also adopted a Delegated Regulation that aims to improve the way EU countries currently exchange information on transfers of firearms and puts in place an electronic exchange system. This will help ensure that authorizations for the transfers of firearms are exchanged in a systematic way and are not issued based on fraudulent documentation, which will in turn improve the security of EU citizens.

The European Parliament and the Council have 2 months to scrutinize the Delegated Regulation (extendable by 2 months). If no issues are raised by the co-legislators, the act will be published in the Official Journal of the EU and will be applicable 4 months from the date of publication.

Background information

The Firearms Directive (Directive 2017/853) sets common minimum rules for the control of the acquisition and possession of firearms in the EU. The Directive was revised in 2017 and brings substantial improvements to security by making it harder to legally acquire dangerous high capacity weapons, such as automatic firearms transformed into semi-automatics.

The Firearms Directive also strengthens cooperation between EU countries by improving the exchange of information between EU countries, and brings substantial improvements to traceability of firearms by improving the tracking of legally held firearms, to reduce the risk of diversion into illegal markets. Moreover, the revised Directive includes in its scope collectors and museums and sets framed derogations for sport shooters that will have the possibility to acquire category A firearms under strict conditions. The revised Directive is applicable since autumn 2018.

Links

- Firearms webpage
- Implementing Directive on the marking of firearms
- Implementing Directive on alarm/signal weapons
- Commission Delegated Regulation on the electronic exchange of information on the transfers of firearms within the European Union

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NEWS



9. Bloomberg: "Huawei Sting Offers Rare Glimpse of the U.S. Targeting a Chinese Giant"

(Source: [Bloomberg](#), 4 Feb 2019.) [Excerpts.]

The sample looked like an ordinary piece of glass, 4 inches square and transparent on both sides. It'd been packed like the precious specimen its inventor, Adam Khan, believed it to be-placed on wax paper, nestled in a tray lined with silicon gel, enclosed in a plastic case, surrounded by air bags, sealed in a cardboard box-and then sent for testing to a laboratory in San Diego owned by Huawei Technologies Co. But when the sample came back last August, months late and badly damaged, Khan knew something was terribly wrong. Was the Chinese company trying to steal his technology?

The glass was a prototype for what Khan's company, Akhan Semiconductor Inc., describes as a nearly indestructible smartphone screen. Khan's innovation was figuring out how to coat one side of the glass with a microthin layer of artificial diamond. He hoped to license this technology to phone manufacturers, which could use it to develop an entirely new, superdurable generation of electronics. ...

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10. Reuters: "Huawei CFO May Fight Extradition By Claiming U.S. Political Motive: Report"

(Source: [Reuters](#), 4 Feb 2019.)

Huawei executive Meng Wanzhou, who was arrested in Canada and faces possible extradition to the United States, is exploring a defense that claims U.S. charges against her are politically motivated, the Globe and Mail newspaper reported on Monday.

Meng, the chief financial officer of China's Huawei Technologies Co Ltd, is the central figure in a high-stakes dispute between the United States and China. Canada arrested Meng in December at the request of the United States and last month she was charged with wire fraud that violated U.S. sanctions on Iran.

"The political overlay of this case is remarkable," Richard Peck, lead counsel for Meng, told the Toronto newspaper in a telephone interview.

"That's probably the one thing that sets it apart from any other extradition case I've ever seen. It's got this cloud of politicization hanging over it," Peck added.

The office of Canadian Justice Minister David Lametti said it could not speculate on Meng's possible defenses.

"We are committed to a fair process unfolding before the courts and the steps undertaken by the Department of Justice Canada on this case have followed due process, in accordance with the Extradition Act, the Charter of Rights and Freedoms and our Treaty with the United States," a spokeswoman for Canada's Department of Justice said in an e-mailed statement.

Peck's office did not respond to a request for comment. A Huawei spokesman declined comment.

In December, U.S. President Donald Trump said in a Reuters interview he would intervene in the Justice Department's case against Meng if it would serve national security interests or help close a trade deal with China.

Canada fired John McCallum, its ambassador to China, in January after he said Meng could make a strong argument against being sent to the United States.

"He [Mr. McCallum] mentions some of the potential defenses - and certainly, I think any person that knows this area would see the potential for those defenses arising," Peck told the Globe and Mail.

Meng's lawyers are also planning to challenge whether her alleged conduct would be deemed criminal under Canadian law, the Globe and Mail said.

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11. ST&R Trade Report: "No Plans to Delay China Tariff Increase as Talks Continue"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 5 Feb 2019.)

After recent talks between U.S. and Chinese officials, President Trump said he currently has no plans to push back an increase in tariffs on imports from China. Unless the two sides reach an agreement on issues such as forced technology transfer, intellectual property protection, non-tariff barriers, and cyber theft, the U.S. is expected to increase from 10 percent to 25 percent its additional tariff on \$200 billion worth of goods from China. (Click [here](#) for more details on these and other developments in the U.S. Section 301 case against China.)

According to a White House press release, high-ranking officials from the U.S. and China discussed a wide range of issues Jan. 30-31 in Washington, including (1) the ways in which U.S. companies are pressured to transfer technology to Chinese companies, (2) the need for stronger protection and enforcement of intellectual property rights in China, (3) the tariff and non-tariff barriers faced by U.S. companies in China, (4) the harm resulting from

China's cyber-theft of U.S. commercial property, (5) how market-distorting forces, including subsidies and state-owned enterprises, can lead to excess capacity, (6) the need to remove market barriers and tariffs that limit U.S. sales of manufactured goods, services, and agriculture to China, (7) the role of currencies in the bilateral trading relationship, and (8) the need to reduce the growing trade deficit the U.S. has with China.

The U.S. is particularly focused on reaching meaningful commitments on structural issues and deficit reduction, the press release states, and both parties have agreed that any resolution will be fully enforceable.

U.S. Trade Representative Robert Lighthizer said the recent talks were "very intense" but "made progress." However, he also said there are "a lot more issues to cover," raising the question of whether the scheduled tariff increase might be delayed to allow more time to reach an agreement. The White House said March 1 is still "a hard deadline" but in comments to the press Trump was less definitive, stating that "I don't think we have to extend" but acknowledging that the negotiations are "very complex." The next round of talks is scheduled for mid-February when Lighthizer and Treasury Secretary Steve Mnuchin travel to China.

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COMMENTARY



12.

M. Buttner: "UK Publishes New Open License to Cover Transfers to EU Countries in a No Deal Scenario"

(Source: [World Trade Controls Blog](#), 4 Feb 2019.)

* Author: Matt Buttner, Associate, Addleshaw Goddard, matt.buttner@addleshawgoddard.com.

With the prospect of a no deal Brexit still on the table, and an exit date of 29 March 2019 creeping ever closer, the UK has taken an important step to allow a relatively smooth transition for companies exporting dual-use goods from the UK to other destinations in Europe.

As explained in a recent World Trade Controls post of 29 January 2019, no export license is required for transfers of most dual-use goods between Member State countries. This is subject to some limited exceptions for certain more sensitive dual-use items. However, if and when the UK leaves the EU, this will no longer apply and all transfers of dual-use goods from the UK to the remaining Member States will be subject to export licensing requirements.

This means that exporters who are currently shipping controlled goods or transferring controlled software or technology from the UK to elsewhere in Europe will be required to apply for export licenses in order to continue to do so. This will be a new process for some companies, particularly those whose main trading partners are located within the common market.

To address this issue, the EU recently took steps to add the UK to its list of countries covered by the Union General Export Authorization (EU001). This allows dual-use goods to be shipped to a number of destinations, including Australia, Canada, Japan, New Zealand, Norway, Switzerland and the USA. Exporters are required to register with their national export control authority in order to rely on this general license, usually in several weeks in advance of the export, and must meet certain documentary and reporting requirements. This process is outlined in more detail in our blog post of 29 January.

On 1 February 2019, the UK export control authority announced that it had implemented a similar solution that will allow exports from the UK to the remaining EU Member States under an equivalent general license: the Open General Export License (Export of Dual-use items to EU Member States). This will come into effect at 23:00 GMT on 29 March 2019 in the event of a no deal Brexit.

As with the EU001, the use of this Open License does involve some administrative burden for exporters. Companies must register to use the UK export licensing portal, known as SPIRE, before or within 30 days after the first occasion they make use of the license. This means that the company will be subject to periodic compliance visits from the UK export control authority, to determine that appropriate export control procedures are in place and that the various license conditions have been met. Exporters must maintain and retain records relating to each export made in reliance on the Open License for at least three years from the end of the calendar year in which the export takes place, and must make these records available for inspection by the export control authority upon request.

In addition, when shipping the controlled items, the export documentation must make specific reference to the Open license or to the exporter's SPIRE reference number (sample text to this effect is included within the license itself). The full conditions are set out in the published version of the Open License, which is available [here](#).

The Open License is not available for exports of all dual-use items, including items listed in Annex IV of the EU dual-use list, items that may be used in connection with WMDs and certain military parts and components. It is therefore important that exporters seeking to rely on the license review its precise conditions in advance to ensure their exports are not excluded from scope.

While exporters still face many challenges and uncertainties arising from Brexit, they may be somewhat reassured that some practical steps are being

taken to address the issue of dual-use exports within Europe. Companies trading in dual-use goods should now be considering whether they should register for the EU001 or the Open License(or both) to allow a smooth transition in the event of a no deal scenario on 29 March.

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13. M. Volkov: "Export Control Reform: Major Changes for ITAR for Firearms Industry"

(Source: [Volkov Law Group Blog](#), 4 Feb 2019. Reprinted by permission.)

* Author: Michael Volkov, Esq., Volkov Law Group, mvolkov@volkovlaw.com, 240-505-1992.

This week the Trump Administration is set to finalize new rules which will ease the regulatory and licensing burden on manufacturers of commercial firearms, ammunition and associated products. These items will be transferred from the United States Munitions List (USML) under the jurisdiction of the Department of State's Directorate of Defense Trade Controls (DDTC) to the Commerce Control List (CCL) under the jurisdiction of the Commerce Department's Bureau of Industry and Security (BIS). BIS has a much less onerous licensing system and does not impose a registration requirement on manufacturers.

The proposed rules were published in May 2018 and are expected to be completed and released in the next few weeks. The move of certain items from Categories I, II, and III of the USML to ECCN categories in the CCL 500 series (Categories I and III) and the 600 series (Category II) in the CCL, will complete the State Department's review of all USML categories as a part of Export Control Reform started under the Obama Administration in 2010. A near identical rule was proposed and almost implemented when the Sandy Hook Elementary school shooting took place, and was thereafter withdrawn.

The firearms industry has long advocated for this revision to help make the U.S. firearms industry more competitive with foreign producers and to alleviate the burden on small manufacturers and service providers (such as gunsmiths) who are currently required to register with DDTC and pay an annual fee despite not exporting their products and services abroad.

To be clear, the anticipated rules will not deregulate the transfer of firearms and related items. They will move jurisdiction of certain firearms - those firearms commercial in nature (semi-automatic and single-shot firearms, i.e., can be found at Wal-Mart) from the USML to the CCL. Finished products will still require licenses. Items that provide the U.S. "a critical military advantage or perform an inherently military function" such as automatic weapons, will remain on the USML. This will enable DDTC to focus on regulating exports key to national security.

Also note that the new rules will not in any way alleviate restrictions on

firearms licensing and sales imposed by the Bureau of Alcohol Tobacco and Firearms rules.

Firearms and associated item manufacturers and service providers should watch for these new rules and review their product lists to see if these new rules apply to them. In this process, companies have to ensure that they carefully determine the applicable classification and document the basis for their determinations.

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EX/IM TRAINING EVENTS & CONFERENCES



14. ECTI Presents "DIY Encryption Classification 2019 Edition" Webinar, 12 Mar

(Source: D. Hatch, danielle@learnexportcompliance.com.)

- * What: DIY Encryption Classification 2019 Edition
- * When: March 12, 2019 1:00 p.m. (EDT)
- * Where: Webinar
- * Sponsor: Export Compliance Training Institute (ECTI)
- * ECTI Speaker: Felice Laird
- * Register: [Here](#) or Danielle Hatch, 540-433-3977, danielle@learnexportcompliance.com.

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EDITOR'S NOTES



15. Bartlett's Unfamiliar Quotations

(Source: Editor)

* **Dwight L. Moody** (Dwight Lyman Moody; 5Feb 1837 - 22 Dec 1899; was an American evangelist and publisher connected with the Holiness Movement, who founded the Moody Church, Northfield School and Mount Hermon School in Massachusetts (now Northfield Mount Hermon School), Moody Bible Institute and Moody Publishers.)

- *"We are told to let our light shine, and if it does, we won't need to tell anybody it does. Lighthouses don't fire cannons to call attention to their shining - they just shine."*

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* * * * *



16. Are Your Copies of Regulations Up to Date?

(Source: Editor)

* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.

- Last Amendment: 14 Jan 2019: 84 FR 112-116: Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material from Bulgaria; and 84 FR 107-112: Extension of Import Restrictions Imposed on Certain Archaeological Material From China

* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).

- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription

from the Full Circle Compliance [website](#). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at www.FullCircleCompliance.eu.

* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 15 Jan 2016: 81 FR 2657-2723: Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm.

* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 4 Oct 2018: 83 FR 50003-50007: Regulatory Reform Revisions to the International Traffic in Arms Regulations.

- The only available fully updated copy (latest edition: 1 Jan 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR contains all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by email, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders.

Implemented by Dep't of Treasury, Office of Foreign Assets Control.

- Last Amendment: 15 Nov 2018: 83 FR 57308-57318: Democratic Republic of the Congo Sanctions Regulations

* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2018: 19 USC 1202 Annex. Implemented by U.S. International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)

- Last Amendment: 19 Dec 2018: Harmonized System Update (HSU) 1820, containing 19,061 ABI records and 3,393 harmonized tariff records.

- HTS codes for AES are available here.

- HTS codes that are not valid for AES are available here.

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17. Weekly Highlights of the Daily Bugle Top Stories

(Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of the Daily Bugle Top Stories" published here.

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EDITORIAL POLICY

* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 6,500 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or Customs AD/CVD items.

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AE Netherlands

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Sent by jebartlett@fullcirclecompliance.eu

Appointment

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/6/2019 8:25:14 PM
To: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]
Subject: Accepted: Export Controls PCC - Firearms / CATS I-III
Location: EEOB Room 445
Start: 2/8/2019 3:00:00 PM
End: 2/8/2019 4:30:00 PM
Show Time As: Busy

Recurrence: (none)

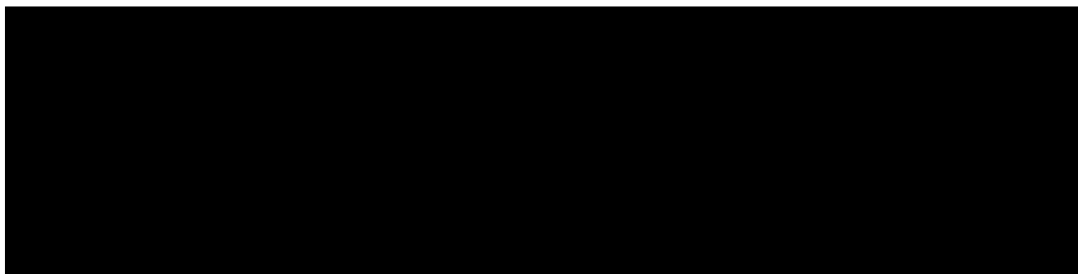
Message

From: Heidema, Sarah J [HeidemaSJ@state.gov]
Sent: 2/8/2019 1:24:18 PM
To: Paul, Joshua M [PaulJM@state.gov]
CC: McKeeby, David I [McKeebyDI@state.gov]
Subject: 1119 Roll out Plan USML Cats I-III FINAL RULES (003)
Attachments: 1119 Roll out Plan USML Cats I-III FINAL RULES (003).docx

Jody sent this around again prior to this morning's PCC. I'm not sure why but I presume everything is still valid in it (except for the delays in the timeline, shutdown or otherwise)

Message

From: Timothy Mooney [Timothy.Mooney@bis.doc.gov]
Sent: 2/8/2019 1:37:15 PM
To: Robert Monjay (monjayr@state.gov) [monjayr@state.gov]; Heidema, SarahJ [HeidemaSJ@state.gov]; Hart, Robert L (HartRL@state.gov) [HartRL@state.gov]
CC: Steven Clagett [Steven.Clagett@bis.doc.gov]; Alexander Lopes [Alexander.Lopes@bis.doc.gov]
Subject: Updated timeline for the Cat I-III rule becoming effective
Attachments: 2019-2-8_Cat I-III firearms rule timeline for publication.docx



Appointment

From: Rogers, Shana A [RogersSA2@state.gov]
Sent: 2/8/2019 1:50:43 PM
To: Kouts, Jodi L. EOP/NSC [Jodi.L.Kouts@nsc.eop.gov]

Subject: Accepted: Export Controls PCC - Firearms / CATS I-III
Location: EEOB Room 445

Start: 2/8/2019 3:00:00 PM
End: 2/8/2019 4:30:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: McKeeby, David I [McKeebyDI@state.gov]
Sent: 2/8/2019 7:01:28 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]
Subject: Cats I-III Letter
Attachments: 170501 Cat I-III Letter.pdf

David I. McKeeby

Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]

✉ e-mail: mckeebydi@state.gov | 🌐 Web: <https://www.state.gov/t/pm> | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)


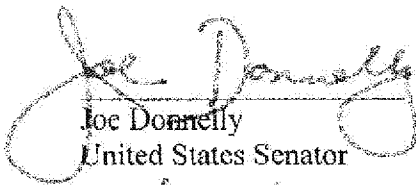


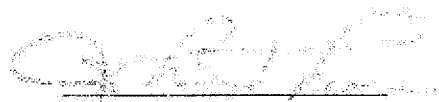
Stay connected with *State.gov*:



A stated goal of ECR is, "Improving the long-term health and competitiveness of the U.S. industrial base, which includes maintaining and expanding jobs." To maximize the positive economic impacts of ECR, the relevant agencies must complete their work on the remaining USML categories. Our states are home to world-class firearm and ammunition manufacturers. With streamlined regulations, these important businesses will be able to access new markets, create new jobs, and hire hard-working Americans.

We will continue to be vocal supporters of completing ECR to ensure American businesses are able to be competitive in the export market while also bolstering the security of the United States. We stand ready to assist you in completing this process.

Sincerely,


Jon Tester
United States Senator
John Boozman
United States Senator
Heidi Heitkamp
United States Senator
Steve Daines
United States Senator
Amy Klobuchar
United States Senator
Roger Wicker
United States Senator
Joe Donnelly
United States Senator
Jerry Moran
United States Senator
Martin Heinrich
United States Senator
John Cornyn
United States Senator
Angus S. King Jr.
United States Senator
John Thune
United States Senator



Joe Manchin III
United States Senator



Mike Crapo
United States Senator



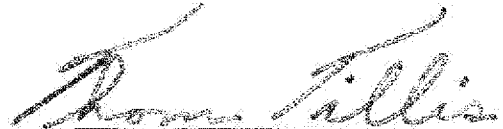
Jim Risch
United States Senator



Charles Grassley
United States Senator



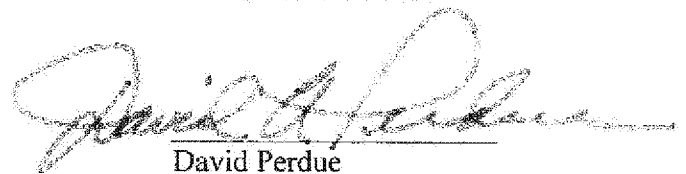
Jim Inhofe
United States Senator



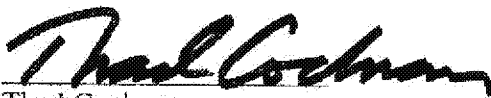
Thom Tillis
United States Senator



Shelley Moore Capito
United States Senator



David Perdue
United States Senator



Thad Cochran
United States Senator



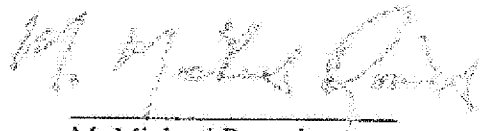
James Lankford
United States Senator



Susan Collins
United States Senator



Pat Roberts
United States Senator



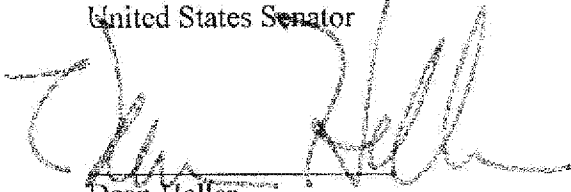
M. Michael Rounds
United States Senator



Bill Cassidy
United States Senator

A handwritten signature in dark ink, appearing to read "Johnny Isakson", written over a horizontal line.

Johnny Isakson
United States Senator

A handwritten signature in dark ink, appearing to read "Dean Heller", written over a horizontal line.

Dean Heller
United States Senator

A handwritten signature in dark ink, appearing to read "Ted Cruz", written over a horizontal line.

Ted Cruz
United States Senator

Message

From: Kovar, Jeffrey D [KovarJD@state.gov]
Sent: 2/8/2019 7:24:49 PM
To: Rogers, Shana A [RogersSA2@state.gov]
Subject: Draft Email to NSC Legal

Shana – I'd like to bring [REDACTED] Would you please take a look at this note and make any necessary changes? Thanks - Jeff

.....

Steve and Schuler:

[REDACTED]

Official - SBU
UNCLASSIFIED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STAGG P.C.,

Plaintiff,

-v.-

U.S. DEPARTMENT OF STATE;
DIRECTORATE OF DEFENSE TRADE
CONTROLS; and MIKE POMPEO (in
his official capacity only as Secretary of
State),

Defendants.

15 Civ. 8468 (KPF)

OPINION AND ORDER

KATHERINE POLK FAILLA, District Judge:

This litigation was prompted by a proposed, but never enacted, regulatory amendment; even today, years into the litigation, the parties' disputes occasionally tilt toward the speculative or the hoped-for, rather than the actual. At base, the suit concerns First and Fifth Amendment facial challenges to the International Traffic in Arms Regulations (the "ITAR"), 22 C.F.R. parts 120-130, which is the regulatory regime that implements the Arms Export Control Act of 1976 (the "AECA"), 22 U.S.C. ch. 39. Among other things, the ITAR imposes strict licensing requirements on exporting technical data related to "defense articles," such as blueprints for tanks and nuclear weapons. Plaintiff, a law firm that advises clients and publishes free educational materials on export control matters, seeks to disseminate certain technical data via public presentations within the United States and on its public website. It argues that the ITAR in its current form imposes an

unconstitutional prior restraint on Plaintiff's anticipated expressive activities and is as well unconstitutionally overbroad and vague.

After a failed application for injunctive relief and an appeal of same, the matter returned to this Court in 2018, and the parties cross-moved for summary judgment. This Court does not accept either side's arguments *in toto*, but after evaluating the unambiguous text of the ITAR, as opposed to the parties' glosses thereon, it cannot discern the constitutional infirmities identified by Plaintiff. Accordingly, and for the reasons stated in this Opinion, Plaintiff's motion for summary judgment is denied, and Defendants' motion for summary judgment is granted.

BACKGROUND¹

A. Factual Background

1. The International Traffic in Arms Regulations

The AECA restricts the import and export of "defense articles and defense services," including such articles as tanks and nuclear weapons. *See* 22 U.S.C. § 2751. To enforce the AECA, the United States Department of State (the

¹ For ease of reference, the parties' moving papers are referred to as follows: Plaintiff's opening brief in support of its motion for summary judgment is referred to as "Pl. Br." (Dkt. #63); Defendants' combined brief in opposition to Plaintiff's motion and brief in support of their cross-motion for summary judgment as "Def. Br." (Dkt. #69); Plaintiff's combined reply brief and brief in opposition to Defendants' motion as "Pl. Reply" (Dkt. #75); and Defendants' reply brief as "Def. Reply" (Dkt. #81). The parties have each submitted statements and counterstatements pursuant to Local Civil Rule 56.1 (Dkt. #65, 72, 73, 77); the Court notes, however, that the parties do not rely on these materials in advancing their respective arguments, and the Court therefore does not cite them in this Opinion. The parties do reference certain allegations in the operative pleading, Plaintiff's First Amended Complaint, which the Court refers to as the "FAC" (Dkt. #27). Finally, the Court has obtained a copy of the recording of the oral argument held before the Second Circuit in this case on December 7, 2016, which it cites to using the convention "Tr." and the time index associated with the recording.

“Department”) promulgated the ITAR regulatory regime in 1976. *See* 22 U.S.C. § 2778(b)(2); 22 C.F.R. parts 120-130. The ITAR defines “defense service” to include the “furnishing to foreign persons of any technical data controlled under this subchapter[.]” 22 C.F.R. § 120.9(a)(2). And in keeping with its animating purposes, the ITAR requires a license to export “technical data” that is “required for the design, development, production ... or modification of defense articles,” including “blueprints, drawings, photographs, plans, instructions or documentation.” 22 C.F.R. § 120.10(a)(1).

The ITAR’s technical data licensing requirement excludes, among other categories, “information in the public domain.” 22 C.F.R. § 120.10(b). “Public domain,” in turn, is defined as follows:

Public domain means information which is published and which is generally accessible or available to the public:

- (1) Through sales at newsstands and bookstores;
- (2) Through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
- (3) Through second class mailing privileges granted by the U.S. Government;
- (4) At libraries open to the public or from which the public can obtain documents;
- (5) Through patents available at any patent office;
- (6) Through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States;

- (7) Through public release (*i.e.*, unlimited distribution) in any form (*e.g.*, not necessarily in published form) after approval by the cognizant U.S. government department or agency (*see also* § 125.4(b)(13) of this subchapter);
- (8) Through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community[.]

22 C.F.R. § 120.11(a). The parties agree generally that information available from one of these public domain sources is excluded from the ITAR's licensing requirements. (*See, e.g.*, Def. Br. 7, 9 n.4 (“[I]nformation that is already in the public domain, through various means, is not treated as ITAR-controlled.”)).

On June 3, 2015, the Department issued a notice of proposed rulemaking that would have amended the definition of public domain to state that “technical data ... is *not* in the public domain if it has been made available to the public without authorization.” 80 Fed. Reg. 31,525, 31,535 (emphasis added). The preamble to the proposed revision states:

Paragraph (b) of the revised definition explicitly sets forth the Department's requirement of authorization to release information into the “public domain.” Prior to making available “technical data” or software subject to the ITAR, the U.S. government must approve the release....

The requirements of paragraph (b) are not new. Rather, they are a more explicit statement of the ITAR's requirement that one must seek and receive a license or other authorization from the Department or other cognizant U.S. government authority to release ITAR controlled “technical data,” as defined in § 120.10. A release of “technical data” may occur by disseminating “technical data” at a public conference or trade show, publishing “technical data” in a book or journal article,

or posting “technical data” to the Internet. This proposed provision will enhance compliance with the ITAR by clarifying that “technical data” may not be made available to the public without authorization. Persons who intend to discuss “technical data” at a conference or trade show, or to publish it, must ensure that they obtain the appropriate authorization.

Id. at 31,528 (emphasis added). To date, however, this amendment has not been promulgated.

Several other developments concerning the ITAR merit mention. On May 24, 2013, the Department posted a notice in the Federal Register responding to comments seeking clarification of the current definition of “defense service,” which notice stated in relevant part:

Five commenting parties recommended ITAR § 120.9(a)(4) be revised to clarify that an aggregation of public domain data is still public domain data, and two commenting parties requested clarification that the aggregation of public domain data cannot be considered a defense service or render the data “other than public domain.” The Department confirms that a defense service involves technical data and therefore the use of publicly available information would not constitute a defense service according to the new ITAR § 120.9(b)(2). The Department notes, however, that it is seldom the case that a party can aggregate public domain data for purposes of application to a defense article without using proprietary information or creating a data set that itself is not in the public domain.

78 Fed. Reg. 31,444, 31,445. On June 3, 2015, the Department further clarified that a “release of ‘technical data’ may occur by ... posting ‘technical data’ to the Internet.” 80 Fed. Reg. 31,525, 31,528. And on June 3, 2016, the Department updated the ITAR’s definition of “export” to include “releasing or

otherwise transferring technical data to a foreign person in the United States (a ‘deemed export’).” 22 C.F.R. § 120.17(a)(2).

2. The Information Plaintiff Seeks to Use and Disseminate

Plaintiff “is a law firm that advises clients on export control matters ... [and] publishes free educational information to the public on export control matters.” (FAC ¶ 5). Plaintiff has announced plans to develop “presentation and written materials” using “published and generally accessible public information that is available from bookstores and libraries, and for which foreign persons already have access to. This information would have otherwise constituted technical data but is excluded from the technical data provisions because it is in the public domain.” (*Id.* at ¶¶ 6, 49). However, Plaintiff underscores, “these materials were not authorized by the Defendants into the public domain.” (*Id.* at ¶ 52). Further, Plaintiff contemplates that it “would also aggregate and modify public domain information to provide more interactive examples[.]” (*Id.* at ¶ 54).

Plaintiff plans to use its presentations and written materials in public speaking, including at public conferences in Manhattan, New York, and in “free educational materials on the ITAR’s technical data provisions[.]” (FAC ¶ 46). “Plaintiff reasonably believes that foreign persons will have access to the presentations and the published materials because they will be freely distributed at the public conferences and also made publicly available on the Plaintiff’s website and through other channels of communication.” (*Id.* at ¶ 53).

Plaintiff further intends its speech to educate “the public on how to comply with the ITAR’s technical data controls and to inform the public with how the government implements such regulations.” (FAC ¶ 48). Plaintiff’s speech “would also contain some comments critical of the government and ... propose future regulatory revisions in this area.” (*Id.*). It is Plaintiff’s concern that, given various interpretive statements from the Department, Plaintiff’s contemplated conduct may run afoul of the Department’s construction of the ITAR without actually running afoul of the regulations’ text and, alternatively, that the ITAR as construed by the Department is unconstitutional.

B. Procedural Background

Plaintiff commenced this action on October 28, 2015, challenging the constitutionality of the ITAR under the First and Fifth Amendments. (Dkt. #1). On November 2, 2015, Plaintiff moved for a preliminary injunction. (Dkt. #15). While the motion was pending, on December 3, 2015, Plaintiff filed the FAC, alleging that the ITAR’s “licensing requirement ... is facially invalid as an unconstitutional prior restraint on speech, is overly broad, vague, lacks any procedural safeguards, provides boundless discretion to government officials, and fails to provide any judicial review,” in violation of the First Amendment. (FAC ¶ 58). Plaintiff also alleged that the ITAR’s licensing provision “violates the Fifth Amendment because it is vague to the public and fails to provide fair notice, constitutes a delegation of authority to government officials in its enforcement, violates clearly established legal standards that an agency must

announce and explain a departure from long-standing practice, and applies retroactively as an *ex post facto* law.” (*Id.* at ¶ 61).

On January 26, 2016, the Honorable Shira A. Scheindlin, to whom the case was then assigned, found that Plaintiff had standing to seek injunctive relief on a claim of prior restraint, but denied the motion for a preliminary injunction. (Dkt. #35). *See Stagg P.C. v. U.S. Dep’t of State*, 158 F. Supp. 3d 203, 209, 211 (S.D.N.Y. 2016) (“*Stagg I*”). Plaintiff appealed from the denial; in April 2016, during the pendency of the appeal, the case was reassigned to the undersigned.

On December 16, 2016, the Second Circuit affirmed both Judge Scheindlin’s finding of standing and her denial of the application for injunctive relief. *See Stagg P.C. v. U.S. Dep’t of State*, 673 F. App’x 93, 94-95 (2d Cir. 2016) (summary order) (“*Stagg II*”). Following the Second Circuit’s decision in *Stagg II*, the Department posted the following notice to the Frequently Asked Questions (“FAQ”) section of its website:

Q: I found some information in a book at a library and I think it might be technical data. Do I need authorization from [Defendant] to republish this information?

A: No. Information that is available in printed books, newspapers, journals, and magazines that you can buy in a physical bookstore or newsstand, check out from a public library, or receive in the mail through a subscription or 2nd class U.S. mail does not need any approval from [Defendant] for republication. The Department is providing this guidance to clarify the preamble of the June 3, 2015 Notice of Proposed Rulemaking The Department received public comments and other feedback from the public that raised questions about whether it was necessary to

obtain the Department's approval prior to republishing information found in books and academic journals.

ITAR / USML UPDATES FAQs,

https://www.pmddtc.state.gov/?id=ddtc_public_portal_faq_detail&sys_id=76664ae2db9b57003b1272131f9619aa (last visited Jan. 28, 2019).²

Plaintiff then petitioned the United States Supreme Court for a writ of certiorari. The petition was denied on January 8, 2018. *See Stagg P.C. v. Dep't of State*, 138 S. Ct. 721 (Mem.), 722 (2018).

After the case was transferred back to this Court, the Court held a conference on February 14, 2018, to discuss next steps and schedule further motion practice. (*See* Dkt. #55 (transcript of conference)). The parties then cross-moved for summary judgment, with principal briefing concluded in August 2018, and supplemental briefing concluded in November 2018. (*See* Dkt. #62-87).

DISCUSSION

A. Applicable Law

1. Summary Judgment Motions

Rule 56(a) provides that a “court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Anderson v. Liberty*

² “USML” is an abbreviation for the United States Munitions List.

Lobby, Inc., 477 U.S. 242, 247-48 (1986).³ A genuine dispute exists where “the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Fireman’s Fund Ins. Co. v. Great Am. Ins. Co. of N.Y.*, 822 F.3d 620, 631 n.12 (2d Cir. 2016) (internal quotation marks and citation omitted). A fact is “material” if it “might affect the outcome of the suit under the governing law[.]” *Anderson*, 477 U.S. at 248.

2. The Requirement of Article III Standing

Before the Court considers Plaintiff’s constitutional challenges to the ITAR, however, it must resolve Defendants’ claims that Plaintiff cannot properly bring such challenges. To establish standing, a plaintiff must show “an invasion of a legally protected interest which is (a) concrete and particularized,” and “(b) actual or imminent, not conjectural or hypothetical.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (internal citations and quotation marks omitted).⁴ “Abstract” injury, or “[a]llegations of possible future injury” in “the area of speculation and conjecture,” “do not satisfy the[se] requirements.” *Whitmore v. Arkansas*, 495 U.S. 149, 155, 158 (1990). Further, “[t]o establish causation for purposes of standing, the plaintiff must allege an injury ‘fairly traceable’ to the defendant’s conduct.” *Pritsker v. McKee*,

³ The 2010 Amendments to the Federal Rules of Civil Procedure revised the summary judgment standard from a genuine “issue” of material fact to a genuine “dispute” of material fact. See Fed. R. Civ. P. 56, advisory committee’s notes (2010 Amendments) (noting that the amendment to “[s]ubdivision (a) ... changes] only one word — genuine ‘issue’ becomes genuine ‘dispute.’ ‘Dispute’ better reflects the focus of a summary-judgment determination.”). This Court uses the post-amendment standard, but continues to be guided by pre-amendment Supreme Court and Second Circuit precedent that refer to “genuine issues of material fact.”

⁴ The related concept of mootness is discussed *infra* in the text.

692 F. App'x 662, 663 (2d Cir. 2017) (summary order) (quoting *Allen v. Wright*, 468 U.S. 737, 751 (1984)).

In the specific context of First Amendment claims, allegations of a “subjective ‘chill’ are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harm.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 418 (2013) (internal quotation omitted). A plaintiff must “proffer some objective evidence to substantiate its claim that the challenged regulation has deterred it from engaging in protected activity.” *Latino Officers Ass’n v. Safir*, 170 F.3d 167, 170 (2d Cir. 1999) (internal quotation and alterations omitted). That said, the requirements for standing to challenge a prior restraint under the First Amendment are relatively lenient. “When a licensing statute allegedly vests unbridled discretion in a government official over whether to permit or deny expressive activity, one who is subject to the law may challenge it facially without first applying for, or being denied, a license.” *Stagg I*, 158 F. Supp. 3d at 209 (quoting *City of Lakewood v. Plain Dealer Pub. Co.*, 486 U.S. 750, 755-56 (1988)).

3. First Amendment Claims Regarding Speech-Licensing Laws

To review, Plaintiff brings challenges under the First and Fifth Amendment. Beginning with the former, the law is clear that Government regulations that restrict speech based on its content are subject to strict scrutiny under the First Amendment. *See Riley v. Nat’l Fed’n of the Blind of N.C., Inc.*, 487 U.S. 781, 790 (1988). “Governmental action constitutes a prior restraint when it is directed to suppressing speech because of its content

before the speech is communicated.” *In re G. & A. Books, Inc.*, 770 F.2d 288, 296 (2d Cir. 1985). “This may take the form of ... systems of administrative preclearance that give public authorities the power to bar the publication or presentation of material.” *Id.* (internal citations omitted). To pass muster under the First Amendment, prior restraints must be “accomplished with procedural safeguards that reduce the danger of suppressing constitutionally protected speech.” *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 559 (1975); *see also Freedman v. Maryland*, 380 U.S. 51, 58-59 (1965) (establishing required procedural safeguards for constitutional prior restraints).

In contrast, government regulations of speech that are not content-based, and that only incidentally restrict expression, are subject to intermediate scrutiny. *See United States v. O’Brien*, 391 U.S. 367, 376-77 (1968). “A content-neutral regulation will be sustained under the First Amendment if it advances important governmental interests unrelated to the suppression of free speech and does not burden substantially more speech than necessary to further those interests.” *Turner Broad. Sys., Inc. v. FCC*, 520 U.S. 180, 189 (1997). “The principal inquiry in determining content neutrality ... is whether the government has adopted a regulation of speech because of disagreement with the message it conveys.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

4. Fifth Amendment Claims Regarding Due Process and Vagueness

Plaintiff's Fifth Amendment claims implicate issues of notice. “[T]he void-for-vagueness doctrine requires that laws be crafted with sufficient clarity to give the person of ordinary intelligence a reasonable opportunity to know what is prohibited and to provide explicit standards for those who apply them.” *VIP of Berlin, LLC v. Town of Berlin*, 593 F.3d 179, 186 (2d Cir. 2010) (internal citations and quotation marks omitted). A law is unconstitutionally vague if it either “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits ... [or] authorizes or even encourages arbitrary and discriminatory enforcement.” *Id.*

5. Deference to Agency Interpretations

Finally, certain of the parties’ arguments stem from the Department’s interpretation of its own regulations. “When an agency’s regulations are ambiguous, a court must defer to the agency’s interpretation of its own regulations, unless that interpretation is ‘plainly erroneous or inconsistent with the regulation[s] or there is any other reason to suspect that the interpretation does not reflect the agency’s fair and considered judgment on the matter in question.’” *Mullins v. City of New York*, 653 F.3d 104, 105-06 (2d Cir. 2011) (per curiam) (quoting *Talk Am., Inc. v. Michigan Bell Tel. Co.*, 564 U.S. 50, 59 (2011)); see also *Decker v. Nw. Env’tl. Def. Ctr.*, 568 U.S. 597, 613 (2013) (“[A]n agency’s interpretation need not be the only possible reading of a regulation — or even the best one — to prevail.”); cf. *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842-45 (1984)

(discussing amount of deference accorded an agency's interpretation of a statute it administers).

Conversely, where there is no ambiguity in the regulatory language, there is no deference accorded to the agency's interpretation. *See generally Digital Realty Trust, Inc. v. Somers*, — U.S. —, 138 S. Ct. 767, 781-82 (2018) (holding that agency regulation was not entitled to *Chevron* deference as to the meaning of a statutory provision that was “unambiguous”); *cf. Nat. Res. Def. Council v. Nat'l Highway Traffic Safety Admin.*, 894 F.3d 95, 112 n.10 (2d Cir. 2018) (“NHTSA does not argue that we owe its interpretation of [the Energy Policy and Conservation Act] any deference, nor could it, because it has not identified a section of EPCA that presents any relevant ambiguity on the question of its statutory authority to publish the Suspension Rule. And deference is clearly not warranted under the Improvements Act. The language is unambiguous, and the Act applies to all federal agencies, meaning NHTSA has no special expertise in interpreting its language.” (internal citations omitted)).

B. Analysis

1. Plaintiff Has Standing to Bring Its First and Fifth Amendment Challenges

Defendants argue first that Plaintiff lacks standing because “both the plain language of the ITAR's public domain exception ... and the recent FAQ make clear that the information in printed books, newspapers, journals, and magazines in physical bookstores and public libraries that [Plaintiff] claims that it wants to republish does not require a license for republication.” (Def. Br. 18). The Court is disappointed to see Defendants spend so much of their

briefing on challenges that have been made, and rejected, thrice before in this action. *See Stagg I*, 158 F. Supp. 3d at 209; *Stagg II*, 673 F. App'x at 94-95. (*See* Dkt. #57). The Court rejects them once again.

To start, Defendants' focus on *printed* mediums and *physical* bookstores and libraries mischaracterizes the FAC. Plaintiff seeks to disseminate materials that are already "published and generally accessible public information ... available from bookstores and libraries" (FAC ¶ 49), and that are "in the public domain" (*id.* at ¶ 50), but that "were not authorized by the Defendants into the public domain" (*id.* at ¶ 52). (*See also* Dkt. #28 at ¶ 5 (explaining that Plaintiff sought to disseminate "information that met the public domain exclusion within 22 C.F.R. § 120.11 because the information was published, generally accessible, and available to the public from bookstores or public libraries")). The FAC does not specify the medium in which these materials are currently accessible to the public. Nor does the plain text of the ITAR limit the public domain exception to particular media, such as *printed* books and *physical* bookstores. *See* 22 C.F.R. § 120.11 (not including the words "printed," "physical," or any synonyms for the same); *Stagg II*, 673 F. App'x at 97 ("[G]overnment counsel was unable to direct us to a provision that qualifies 22 C.F.R. § 120.10(b), which presently exempts from the definition of technical data, subject to ITAR, *inter alia*, 'information in the public domain as defined in § 120.11.'").

And while Plaintiff has indicated its intent to republish the materials in a medium other than printed books or physical bookstores — specifically, on the

Internet (*see* FAC ¶ 53) — the plain language of 22 C.F.R. § 120.11 does not consider the medium of *republication* in determining whether materials fall within the ITAR’s public domain exception. In point of fact, Defendants’ focus on printed and physical media only weakens their position on standing, in that it substantiates Plaintiff’s reasonable fear of prosecution were it to use technical data that amounts to “published and generally accessible public information” available from non-printed, non-physical sources.

Judge Scheindlin previously determined that Plaintiff had standing on two independent bases, citing allegations in the FAC that (i) Plaintiff possesses “certain technical data, available in — but unauthorized for release into — the public domain,” and that (ii) Plaintiff “wants to aggregate” this data into new materials. *Stagg I*, 158 F. Supp. 3d at 209. In affirming Judge Scheindlin’s determination of standing, the Second Circuit similarly relied on Plaintiff’s statement that it “seeks to disseminate information already in its possession subject to ITAR’s challenged licensing requirement[.]” *Stagg II*, 673 F. App’x at 94-95. Indeed, the Second Circuit noted that “the [G]overnment unambiguously confirmed at oral argument that Stagg correctly characterizes the government’s interpretation of the existing regulatory scheme [as requiring a license to use technical data that entered the public domain without prior approval from Defendants] Thus, we agree that Stagg has standing to challenge that scheme as the [G]overnment construes it.” *Id.* at 95 n.1.

More recently, this Court’s May 8, 2018 Order stated that “the requirements for standing for a preliminary injunction are similar to those for

seeking summary judgment. Because Judge Scheindlin has already found, at the preliminary injunction stage, that the pleadings were sufficient to confer standing, and because the Second Circuit affirmed that decision, this Court will not reopen the issue.” (Dkt. #57).⁵

Defendants’ latest iteration of their standing arguments does not alter the Court’s opinion. Plaintiff has standing to challenge the ITAR because, under the Government’s own stated interpretation of the regulatory scheme, Plaintiff may be subject to prosecution for republishing technical data that was obtained from otherwise public domain sources, but that was not authorized by Defendants to be placed into the public domain.

2. Plaintiff’s Claims Are Not Moot

At earlier stages of this action, both Judge Scheindlin and the Second Circuit noted the possibility that the Department might moot Plaintiff’s claims. Judge Scheindlin commented that the Department might “reword or even withdraw” the proposed, 2015 amendment to the ITAR, “and obviate the need for this lawsuit.” *Stagg I*, 158 F. Supp. 3d at 209 n.37. Similarly, during oral argument before the Second Circuit, Judge Reena Raggi remarked that the

⁵ The Court’s May 8, 2018 Order denied Defendants’ motion for

limited jurisdictional discovery regarding Plaintiff’s standing ... [to] focus on: (1) the specific information or documents that Plaintiff has in its possession that it would like to publish, which it claims that it has not published for fear of violating the ITAR, and (2) the basis of Plaintiff’s claim that the materials (although publicly available) have not been authorized into the public domain.”

(Dkt. #52). The Order responded to a letter brief from Plaintiff asserting that no factual development was necessary because Plaintiff’s was “a facial challenge [that] does not consider how the law is applied to a specific situation.” (Dkt. #53).

Government could “represent that there will be no prosecution for the dissemination of material that’s already in the public domain, and then you move on with the case.” (Tr. 27:01-27:31). The Second Circuit’s summary order went on to state:

[M]any of Stagg’s arguments ... could be read as attacking not the existing regulatory scheme, but either a proposed regulation that was never adopted, or a prior regulation that Stagg claims was once in force but has since been repealed. Constitutional questions about regulations that no longer exist or that have been under consideration do not present cases or controversies within a court’s Article III jurisdiction.

Stagg II, 673 F. App’x at 95 n.1.

In short, were the Department to (i) disavow Plaintiff’s characterization of its construction of the ITAR, and (ii) clarify that the allegations in the FAC address a proposed or prior interpretation of the regulation that does not currently control, this action would not continue. In the instant cross-motions, Defendants gesture in the direction of mootness by asserting that the FAQ notice posted to the Department’s website following the Second Circuit’s ruling clarified that “the information Stagg asserts it intends to publish — information available in *printed* books, newspapers, journals, and magazines that Stagg can buy in a *physical* bookstore or check out from a public library — does not require approval from the Department for export or republication.” (Def. Br. 14 (emphases added)). Unfortunately, the gesture falls short.

As stated above, the FAC does not limit the materials that Plaintiff seeks to republish merely to information obtained from “printed” sources or “physical” bookstores and libraries. (FAC ¶ 49). Therefore, the Department’s

FAQ notice does little to assure Plaintiff that the Government will not prosecute it for disseminating the materials in its possession. Moreover, Plaintiff also seeks to “aggregate and modify” the information that it plans to disseminate (*id.* at ¶ 54), which Judge Scheindlin properly determined to be an independent basis for standing, *see Stagg I*, 158 F. Supp. 3d at 209. The FAQ notice makes neither mention nor disclaimer of liability for aggregating public domain materials. Accordingly, the FAQ notice has not mooted Plaintiff’s claim.

3. The Court Interprets the Text of the ITAR Differently Than the Parties

With those antecedent issues resolved, the Court now considers Plaintiff’s facial challenge to the constitutionality of the ITAR’s licensing provisions. (*See* Pl. Br. 7 (“This case presents a facial challenge and only pure questions of law ... only the text of the regulations is required.”); *see also* Def. Br. 18; Pl. Reply 16). “[A] facial challenge lies whenever a licensing law gives [a] government official or agency substantial power to discriminate based on the content or viewpoint of speech by suppressing disfavored speech or disliked speakers.” *City of Lakewood*, 486 U.S. at 759. “In analyzing a facial challenge under the First Amendment, we consider only the text of the [regulation], not the application of the [regulation] to a particular set of facts.” *Lusk v. Village of Cold Spring*, 475 F.3d 480, 493 n.15 (2d Cir. 2007). Significantly, however, Plaintiff’s claims — and Defendants’ responses — rely heavily on certain disputed interpretations of the ITAR’s current text. In consequence, the Court will address the parties’ disputes about how to construe the ITAR as a threshold matter before turning to Plaintiff’s constitutional arguments.

A word is in order about this portion of the Court’s analysis. As made clear by the Second Circuit, Plaintiff has standing to challenge only the current ITAR, and not the June 3, 2015 proposed revision to the regulation. *See Stagg II*, 673 F. App’x at 95 n.1. The Court will thus consider Plaintiff’s facial challenge solely as it pertains to the current text of the ITAR’s “public domain” exclusion, and “deemed export” provision. See 22 C.F.R. §§ 120.11(a), 120.17(a)(2). Put somewhat differently, the Court will not consider any aspect of Plaintiff’s briefing that purports to mount a facial challenge to text that has not been formally adopted into the ITAR. Relatedly, to the extent that the Court considers the Department’s interpretation of the ITAR, it will look to the Department’s statements on its website and in the Federal Register as indications of that interpretation.

a. The ITAR Does Not Disqualify Information from the Public Domain Exclusion Solely Because the Information Entered the Public Domain Without Prior Government Authorization

Plaintiff contends that the ITAR now requires an *ex ante* license to republish technical data that entered the public domain without prior authorization from the Department. (Pl. Br. 3 (“[T]he ITAR *currently* imposes a prior restraint to use the public domain exclusion by ... the republication of such publicly available technical data.”); *id.* at 21 (“[T]he ITAR’s regulation of domestic speech ... applies to republication of information in the public domain.”); Pl. Reply 6-15 (discussing an interpretation of the ITAR’s public domain exclusion that does not cover technical data “made available to the public without authorization”); *see also* FAC ¶ 42 (“In [the June 3, 2015]

proposed rule, [the Directorate of Defense Trade Controls (“DDTC”)] issued a public statement in the preamble that the *currently existing* public domain exclusion imposes a prior restraint[.]”); *id.* at ¶ 52 (alleging that Plaintiff has been stopped from distributing information that would otherwise qualify for the public domain exclusion but that was “not authorized by the Defendants into the public domain”). Proceeding from this premise, Plaintiff mounts a facial challenge to the ITAR’s public domain exclusion. *See* 22 C.F.R. §§ 120.10(b), 120.11(a).⁶

Considering the existing text of the ITAR, as the Court must, *see Lusk*, 475 F.3d at 493 n.15, the Court finds no support for the notion that information is somehow removed from the protection of the public domain exclusion solely because it became publicly available without prior authorization from the Government. To the contrary, the ITAR unambiguously defines “public domain” as “information which is published and which is generally accessible or available to the public” through certain enumerated sources. 22 C.F.R. § 120.11(a). Nowhere does the ITAR mention, or conceivably imply, that prior government authorization is required for public domain status.

⁶ Defendants argue that Plaintiff “conflate[s] the public domain exclusion, which excludes information that is already in the public domain from the ITAR’s licensing and other requirements, and the ITAR’s requirements that a license or other appropriate authorization be obtained prior to an unrestricted dissemination of ITAR-controlled technical data related to items on the USML in a manner that would provide access to foreign persons.” (Def. Br. 18). Defendants characterize the issue before the Court as, “whether the ITAR’s licensing requirements, which require a license only to export information that constitutes ITAR-controlled technical data (including by providing it to foreign persons in the United States), are constitutional.” (*Id.* at 19). The Court reads the FAC differently to state a facial challenge to the ITAR’s public domain exclusion.

This is not to say that Plaintiff's concerns are unfounded. The Court recognizes that the Department has, at times, appeared to advance a different interpretation of the public domain exclusion. On June 3, 2015, for example, the Department proposed a revised definition of public domain stating that "technical data ... is not in the public domain if it has been made available to the public without authorization." 80 Fed. Reg. 31,525, 31,535. While Plaintiff has no standing to mount a facial challenge to this proposed-but-not-enacted revision, the preamble suggests that the proposed revision actually reflects the Department's current interpretation of the ITAR's current text. *See id.* at 31,528 ("The requirements of paragraph (b) are *not new*. Rather, they are a more explicit statement of the ITAR's requirement." (emphasis added)).

What is more, the Department's assertion that the public domain exclusion requires prior authorization is conspicuously absent from Defendants' opening and reply briefs.⁷ However, during oral argument before the Second Circuit, the Department refused to represent that it would not prosecute Plaintiff for republishing information that is already in the public domain, "but is publicly available without the appropriate authorization.... If it is out there without the appropriate authorization, we cannot make such a representation[.]" (Tr. 27:31-28:25). The Department explained that

⁷ The briefs do, however, make veiled references to this interpretation. (*See, e.g.*, Def. Br. 9-10 (discussing the June 3, 2015 notice, and disavowing "a definitive time frame for publication of any further iteration of the rule"); *id.* at 35 (rejecting the "premise that no published information was approved for release into the public domain"); Def. Reply 1-2 & n.3 (commenting on information "that is solely available from the internet and has not been authorized to be there"))).

information “may be in some limited place, but through republication, the danger of it being provided to foreign persons is amplified. [For example,] something that’s in an obscure journal, put on the Internet.” (*Id.* at 29:50-30:20). Indeed, the Department adopted the position that, if information were to enter the public domain without authorization, then “the State Department should in fact be able to analyze those materials and offer its own response” as to whether the materials are “in fact something that would even be subject to the ITAR’s licensing requirements.” (*Id.* at 30:26-31:15). And because Defendants have advanced these interpretations of the ITAR earlier in this case, the Court will consider them here.⁸

To the extent that the Department interprets the ITAR to disqualify from the public domain exclusion any information that was made available to the public without prior authorization, the Court disagrees. To review, “[d]eference to an agency’s interpretation is owed only when the regulation at issue is ambiguous.” *Mullins*, 653 F.3d at 113. There is nothing ambiguous in the text of the ITAR’s public domain exclusion that could be read to imply prior government authorization as a prerequisite. Nothing in the current ITAR’s definition of public domain can reasonably be interpreted to suggest that data

⁸ Plaintiff spills significant ink discussing the Department’s June 3, 2015 notice in the Federal Register, and the December 16, 2016 FAQ posting on the Department’s website, both of which concern the republication of information that entered the public domain without prior authorization. The Department’s May 24, 2013 response to comments in the Federal Register also concerns the Department’s interpretation of the public domain exclusion: specifically, whether it covers aggregations and modifications of public domain data. The Court considers these as indications of the Department’s interpretation of the regulation that are supplementary to Defendants’ briefing.

that would otherwise qualify as public domain does not solely because it became publicly available without government authorization.

b. The ITAR Does Not Disqualify Information from the Public Domain Exclusion Solely Because the Information Has Been Aggregated or Modified

Separately, Plaintiff argues that the ITAR requires an *ex ante* license to aggregate and modify public domain data. (See Pl. Reply 6 (“[T]he ITAR *still* imposes a prior restraint on putting aggregated technical data into the public domain by publishing it ... because aggregating technical data, as the Plaintiff intends to do, creates a new set of technical data.”); *see also* FAC ¶ 54 (alleging Plaintiff’s intent to “aggregate and modify” public domain information)). Again, while understanding the source of Plaintiff’s malaise, the Court disagrees with its argument based on the plain language of the ITAR.

Nowhere does the ITAR mention, or conceivably imply, either non-aggregation or non-modification as requirements for public domain status. To be sure, the Department’s May 24, 2013 statement in the Federal Register suggests a different interpretation; there, the Department observed that “it is seldom the case that a party can aggregate public domain data for purposes of application to a defense article without ... creating a data set that itself is not in the public domain.” 78 Fed. Reg. 31,444, 31,445. Similarly, Defendants’ opening brief asserts that aggregating public domain data “would not create ITAR-controlled technical data ... [unless the] aggregation is ‘for purposes of application to a defense article,’ [and the aggregator] possesses the expertise necessary to make such an application.” (Def. Br. 15; *see also* Def. Reply 3

(asserting “the Department’s position [that there are] limited circumstances in which aggregation can create new technical data”). However, to the extent that the Department interprets the currently existing ITAR so that the bare fact of aggregation or modification, without more, could suffice to remove otherwise-qualifying data from the public domain exclusion, the Court rejects that interpretation. There is nothing ambiguous in the text of the exclusion that could be read to imply non-aggregation and/or non-modification as prerequisites for public domain status.⁹

c. ITAR-Controlled Technical Data Does Not Qualify for the Public Domain Exclusion Solely Because the Data May Be Widely Available on the Internet

The ITAR defines the public domain exclusion to include information that is “generally accessible or available to the public ... [a]t libraries open to the public or from which the public can obtain documents.” 22 C.F.R. § 120.11(a)(4). Plaintiff urges a broad interpretation of this provision, such that the phrase “libraries open to the public” would include the entirety of the Internet. (See Pl. Reply 5 (challenging the notion “that the public domain exclusion does not include the Internet”)). Plaintiff reasons that “the Supreme Court has long equated the Internet to a public library,” and therefore this Court should construe the ITAR’s public domain exclusion to include the

⁹ This conclusion — that information otherwise covered by the public domain exclusion is not removed from the public domain solely by virtue of its aggregation or modification — does not immunize new, privately-created technical data from the ITAR’s licensing requirements. While aggregation or modification, without more, is insufficient to remove data from the public domain, if the aggregation or modification of public domain data produces characteristics that otherwise trigger the ITAR’s licensing requirements, those requirements still apply.

Internet. (Pl. Br. 16 (citing *Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 853 (1997))).

Defendants raise two arguments in opposition. To start, Defendants assert that Plaintiff's current position — that the public domain exclusion covers information widely available on the Internet — contradicts Plaintiff's prior position before the Second Circuit at the preliminary injunction stage of this case. (Def. Br. 29-30; Def. Reply 4 n.6). The Court disagrees. It is true that Plaintiff's opening brief to the Second Circuit discussed the public domain exclusion in relation to the Internet. (*See* No. 16-315-cv, Appellant's Brief 53-54). However, that discussion conflated the issue of what information falls within the public domain exclusion — and may thus be *used* unrestricted by the ITAR — with the issue of what distribution channels the ITAR permits to *release* ITAR-controlled information, without running afoul of the export restrictions. A quick read of the brief evidences this conflation:

[T]he preliminary injunction Stagg seeks would only prohibit enforcement of the ... prior restraint to *use* the public domain exclusion, including on materials that have already been placed there. ... (referencing 22 C.F.R. § 120.11(a)(1-8)). This section provides specific criteria to *release* information into the public domain. For example, the exclusion does not allow for publication on the Internet ... Thus, the requested preliminary injunction would not allow persons to upload technical data to the Internet because that is not one of the methods listed in the public domain exclusion. 22 C.F.R. § 120.11.

(*Id.* at 53-54 (emphases added) (internal citations and quotations omitted)).

Given that this passage fails to differentiate the ITAR's enumerated sources of public domain materials from the independent issue of releasing ITAR-

controlled information by uploading it to the Internet, the passage does not clearly contradict Plaintiff's current position before this Court.

Next, Defendants oppose Plaintiff's interpretation of the regulation, countering that the definition of "public domain" in the ITAR "lists in (1)-(8) the specific ways in which information is in the public domain, and that list does not include the internet." (Def. Reply 9). In other words, Defendants urge a narrow interpretation of the regulation, where nothing that that is available exclusively from the Internet could qualify as a library open to the public. (*See id.* at 4 n.6 ("'[T]echnical data' from the internet ... is not in the public domain if the information is not also available in printed materials available in bookstores or libraries.")).

The Court finds the text of the ITAR's public domain exclusion to be unambiguous, and therefore it owes no deference to the Department's interpretation of that text. *See Mullins*, 653 F.3d at 113. However, even without such deference, the Court agrees with Defendants' view that technical data must be available from one of the enumerated sources listed in the public domain exclusion in order to qualify for that exclusion. The text of the ITAR unambiguously restricts the public domain exclusion to information that is "generally accessible or available to the public" "through" or "at" one of eight sources. 22 C.F.R. § 120.11(a). These enumerated sources are a closed universe, not a set of examples. In so finding, the Court follows the reasoning of the Ninth Circuit, *see United States v. Hoffman*, Nos. 92-50299, 92-50354 and 93-50116, 1993 WL 468713, at *5 (9th Cir. Nov. 12, 1993) (unpublished

decision) (“The plain meaning of the regulation indicates that the information must fall within one of the [eight] categories to be within the ‘public domain.’”), and of the District of Columbia, see *Colonial Trading Corp. v. Dep’t of Navy*, 735 F. Supp. 429, 431 n.4 (D.D.C. 1990) (finding that “a release of the information into the public domain under a colloquial usage of the phrase” does not necessarily qualify for the public domain exclusion).

As to what qualifies as a “library” in the phrase “libraries open to the public,” the Court again finds no ambiguity, but this time it disagrees with Defendants’ interpretation. “Library” is a common term, the plain meaning of which is readily ascertainable by speakers of the English language. A “library” is not limited to brick-and-mortar buildings with print collections, and may exist on the Internet with digital collections.

Even if the term “library” were ambiguous, the Court would nonetheless reject the Department’s interpretation. Where a regulation is ambiguous, an agency’s “interpretation is entitled to controlling deference ... unless it is plainly erroneous or inconsistent with the regulations or there is any other reason to suspect that the interpretation does not reflect the agency’s fair and considered judgment on the matter in question.” *Mullins*, 653 F.3d at 114 (internal citations, quotation marks, and alterations omitted). An interpretation of the term library that excludes all institutions and collections that exist solely on the Internet, just because they do not also exist off the Internet, is plainly erroneous and does not reflect a fair and considered judgment.

One definition of a “library” presented by the American Library

Association states:

A library is a collection of resources in a variety of formats that is (1) organized by information professionals or other experts who (2) provide convenient physical, digital, bibliographic, or intellectual access and (3) offer targeted services and programs (4) with the mission of educating, informing, or entertaining a variety of audiences (5) and the goal of stimulating individual learning and advancing society as a whole.

Definition of a Library, AMERICAN LIBRARY ASS’N <http://libguides.ala.org/library-definition> (quoting *The Librarian’s Book of Lists* (Chicago: ALA, 2010)) (last visited Jan. 28, 2019). Another such definition states: “A collection or group of collections of books and/or other print or nonprint materials organized and maintained for use (reading, consultation, study, research, etc.). Institutional libraries, organized to facilitate access by a specific clientele, are staffed by librarians and other personnel trained to provide services to meet user needs.” *Id.* And the Institute for Museum and Library Services defines a “public library” as:

A public library is established under state enabling laws or regulations to serve a community, district, or region, and provides at least the following: (1) an organized collection of printed or other library materials, or a combination thereof; (2) paid staff; (3) an established schedule in which services of the staff are available to the public; (4) the facilities necessary to support such a collection, staff, and schedule, and (5) is supported in whole or in part with public funds.

Id.

None of these definitions limits libraries to brick-and-mortar buildings, or to collections of print materials. Entities such as the Digital Public Library of America — which exists on the Internet, houses a collection comprising exclusively materials that “are immediately available in digital format,” and counts among its Board of Directors the Commissioner and CEO of the Chicago Public Library, the Director of MIT Libraries, and a former Dean of Harvard Law School, among others — can readily satisfy the definition of a library. *See* About Us, DPLA, <https://dp.la/about> (last visited Jan. 28, 2019). The Court therefore declines Defendants’ invitation to read the entirety of the Internet out of the definition of a library. Data sourced from the Internet is not categorically barred from coverage under the ITAR’s public domain exclusion solely because it is not also available from an enumerated source that is not the Internet.¹⁰

¹⁰ In contrast, the Court wholeheartedly agrees with Defendants’ argument, articulated in their opening brief, that the public domain exclusion should be interpreted such that:

The ITAR does not require a license or other authorization to republish information that is available in printed books, newspapers, journals, and magazines that can be purchased in a physical bookstore or newsstand or checked out from a public library, because such information is already in the public domain and no longer considered ITAR-controlled technical data. The ITAR does not require a license or other authorization to publish fundamental research that meets the criteria set forth in § 120.11(a)(8), nor does it require a license or other authorization to publish information concerning the general scientific, mathematical, or engineering principles commonly taught in schools, colleges and universities, *id.* § 120.10(b)(1). The ITAR also does not require a license for purely domestic publication or dissemination of files. *See id.* § 120.17 (defining export).

(Def. Br. 18 (internal citations and quotation marks omitted)).

But while the Court finds Plaintiff's analogy between a library and the Internet compelling, it declines to construe the term "library" in the ITAR to include the *entirety* of the Internet. As Defendants point out,

[T]he Internet differs fundamentally from a public library — virtually anyone with internet access can post information to the internet or republish information made available by someone else and there are no publication standards or systems of peer or editorial review to help ensure that sensitive national security information is not released.

(Def. Br. 31 n.17). Moreover, there are persuasive policy arguments not to include the entire Internet as an enumerated source constituting the public domain under the ITAR. As Judge Scheindlin previously recognized, if the Court were to read the ITAR as Plaintiff proposes, "*any* unclassified technical data leaked to the Internet would be fair game to republish in any forum without regard to consequences — and in an era where national security information has been successfully leaked, this is not a specious threat." *Stagg I*, 158 F. Supp. 3d at 211. (See also Def. Br. 31 n.17 ("[T]he risks of making technical data available to foreign adversaries, including advancing enemy weapons systems and arming insurgent groups, are even more significant [on the Internet].")).

In sum, for purposes of the ITAR's public domain exclusion, a library open to the public may exist on or off the Internet, but everything on the Internet does not qualify as a "library" solely by virtue of its presence online.

d. Uploading ITAR-Controlled Technical Data to the Public Internet Qualifies as a “Deemed Export” Under the ITAR

The Court’s final act of interpretation addresses Defendants’ assertion that uploading ITAR-controlled technical data to the public Internet would qualify as an “export” for purposes of the ITAR’s licensing requirements. (See Def. Br. 31 n.18 (“[T]he government took the position in *Defense Distributed* that dissemination of technical data in a manner that allows access by foreign persons — in that case through the internet — is an ‘export’ requiring appropriate authorization[.]”). See also *Defense Distributed v. U.S. Dep’t of State*, 121 F. Supp. 3d 680 (W.D. Tex. 2015). Plaintiff rejects this construction, and instead urges the Court to “limit the ITAR’s construction to exclude publication as an export.” (Pl. Br. 18). The Court agrees with Defendants.

Plaintiff maintains that “[t]he ITAR treats domestic publication as an export because the very nature of publishing means that foreign persons may access those materials domestically and then could take them abroad to manufacture defense articles.” (Pl. Br. 18). Specifically, Plaintiff argues that the ITAR improperly regulates domestic publications, rather than solely exports, because the ITAR’s licensing requirement applies to any speech that is not “to a purely domestic audience,” and such an audience “must involve *only* U.S. persons — which is an impossibility when publishing information to public forums.” (*Id.* at 19).

Importantly, however, Plaintiff never clearly specifies what language in the ITAR permits the Court to exclude publication as an export. Plaintiff’s discussion of these issues in the context of its First Amendment arguments

cites the AECA's registration and license requirements for exporters, *see* 22 U.S.C. § 2778(b)(2), and the ITAR's registration requirements, *see* 22 C.F.R. § 122.1. (Pl. Br. 3-4). Neither of these categories of provisions mentions publication. However, in Plaintiff's discussion of the Fifth Amendment, it quotes the ITAR's current definition of "export," which includes "releasing or otherwise transferring technical data to a foreign person in the United States (a 'deemed export')." (Pl. Br. 23 (quoting 22 C.F.R. § 120.17(a)(2))). And Plaintiff also points to the Department's June 3, 2015 notice in the Federal Register stating that "[a] release of 'technical data' may occur by ... posting 'technical data' to the Internet." (Pl. Br. 17 (citing 80 Fed. Reg. 31,525, 31,528)). The Court therefore assumes that Plaintiff's argument concerning publication as an export applies to the Department's view that a "deemed export" includes uploading data to the public Internet.

To the extent that Plaintiff contends the Court should construe either the AECA or the ITAR to eliminate any licensing requirement for the foreign distribution of otherwise ITAR-controlled technical data via a particular technological medium such as the Internet, the Court declines. Nothing in either the AECA or the ITAR immunizes otherwise-regulated exports simply because they are undertaken through a particular technological medium. Plaintiff concedes as much in its reply, stating that "even ignoring that Plaintiff intends Internet publication — the same regulation applies to the publication of technical data, regardless as to whether that publication is to the Internet or in a book or in any other medium." (Pl. Reply 5).

On this score, the Court agrees with Defendants: The ITAR's restrictions on exports unambiguously apply to ITAR-controlled technical data regardless of the medium in which such data is exported. Uploading data to the public Internet — even a hypothetical domestic-only public Internet — qualifies as a “deemed export” under the ITAR because it “releas[es] or otherwise transfer[s] technical data to a foreign person in the United States.” 22 C.F.R.

§ 120.17(a)(2). Of course, the ITAR does not apply to purely domestic disseminations limited to U.S. persons, thereby enabling private-sector research and industry development. (*See, e.g.*, Def. Br. 2 (“The ITAR sets forth a regulatory framework that recognizes that private companies developing munitions can further the national security and foreign policy interests of the United States, while simultaneously safeguarding those interests by prohibiting the unfettered access to defense articles and services by foreign countries and persons.”)). But the regulation does restrict the unlimited release of ITAR-controlled technical data to foreign persons, even within the domestic territory of the United States. The Court declines to construe the ITAR to exclude domestic publication as an export where such publication releases or transfers ITAR-controlled technical data to foreign persons inside the United States.

4. The ITAR's Current Licensing Restrictions, Including Its Definitions of “Public Domain” and “Export,” Do Not Violate the First Amendment

When Plaintiff's constitutional challenges are considered in terms of the unambiguous text of the ITAR — rather than Plaintiff's fears (or Defendants' wishes) regarding that text — the Court's constitutional analysis is

straightforward. As Defendants point out, courts have repeatedly upheld the constitutionality of the ITAR's licensing requirements against First Amendment challenges. (Def. Br. 19-20). In the words of the Ninth Circuit,

[T]he AECA prohibits export without a license of items on the USML without regard to content or viewpoint ... The purpose of the AECA does not rest upon disagreement with the message conveyed. ITAR defines the technical data based on its function and not its viewpoint. Accordingly, we find that the AECA and its implementing regulations are content-neutral. Because the AECA and its implementing regulations are content-neutral, we apply the intermediate scrutiny standard under *O'Brien*. 391 U.S. 367 (1968).... [W]e hold that the AECA and its implementing regulations withstand intermediate scrutiny because they substantially advance the Government's important interest in the regulation of international dissemination of arms information.

United States v. Mak, 683 F.3d 1126, 1134-35 (9th Cir. 2012) (internal citations and quotations omitted). The ITAR's restrictions on speech are content-neutral and survive intermediate scrutiny under *O'Brien* because "they substantially advance important governmental interests unrelated to the suppression of expression." *Id.*

Nor are the AECA and its implementing regulations unconstitutionally overbroad, because "the AECA delineates narrowly the scope of information subject to arms controls. The AECA and ITAR specifically carve out exceptions to the law for the types of information that are subject to the highest levels of First Amendment protection, for example, published scholarly works." *Mak*, 683 F.3d at 1136 (internal citations, quotation marks, and alterations omitted). Moreover, as Defendants point out, "the AECA and ITAR restrict only the *export*

of technical data, not domestic dissemination.” (Def. Br. 22 (citing *Defense Distributed*, 121 F. Supp. 3d at 695)). The Court agrees that the AECA and the ITAR are content-neutral restrictions on speech that survive intermediate scrutiny under *O’Brien* and are not unconstitutionally overbroad.

When the ITAR is properly construed, each of Plaintiff’s First Amendment challenges to it fails. *First*, Plaintiff argues that the ITAR’s currently existing public domain exclusion imposes an unconstitutional prior restraint because it requires *ex ante* licensing to republish technical data that entered the public domain without prior authorization from the Department, and to aggregate or modify existing public domain information. (*See, e.g.*, Pl. Br. 3 (“[T]he ITAR *currently* imposes a prior restraint to use the public domain exclusion by ... the republication of such publicly available technical data.”); Pl. Reply 6 (“[T]he ITAR *still* imposes a prior restraint on putting aggregated technical data into the public domain by publishing it.... because aggregating technical data, as the Plaintiff intends to do, creates a new set of technical data.”)). Plaintiff concedes, however, that information that falls within the public domain exclusion is not subject to the ITAR’s licensing provisions, “is no longer regulated” (Pl. Br. 4), and “may be freely published without the Government’s approval” (*id.* at 2).

As explained above, Plaintiff’s argument proceeds from a misapprehension of the public domain exclusion; the exclusion does not restrict either the republication of information that entered the public domain without prior authorization by the Government, or the dissemination of public

domain information solely because it has been aggregated or modified. As a result, Plaintiff has failed to identify any aspect of the public domain exclusion that operates as a prior restraint, and its arguments that the public domain exclusion fails the procedural requirements for constitutional prior restraints are irrelevant. (See Pl. Br. 8-16; Pl. Reply 17-25). The Court thus agrees with Defendants that “the *Freedman* factors are not the appropriate legal test” to evaluate the constitutionality of the public domain exclusion under the First Amendment. (Def. Br. 23). Indeed, Plaintiff has not identified any aspect of the public domain exclusion that restricts expressive activity in any way. Under any standard of First Amendment scrutiny, therefore, Plaintiff’s challenge to the ITAR’s public domain exclusion fails.

Second, Plaintiff argues that the ITAR “imposes a prior restraint on publication on the Internet[.]” (Pl. Br. 16). To start, since information that is generally available online does not necessarily qualify for the public domain exclusion, the ITAR can restrain the *republication* of that information. (See *id.* (“The ITAR’s prior restraint on publication on the Internet also violates the First Amendment[.]”); Pl. Reply 5 (opposing the position “that the public domain exclusion does not include the Internet”)). And since uploading information to the public Internet qualifies as a “deemed export,” the ITAR can restrain the dissemination of information via the Internet. See 22 C.F.R. § 120.17(a)(2).

(See Pl. Reply 6-7 (“[T]he ITAR *still* imposes a prior restraint on holding a conference or seminar on the Internet that involves technical data[.]”)).¹¹

Of course, neither of these scenarios involves an Internet-specific prior restraint. The mere fact that ITAR-controlled technical data might be sourced from, or exported via, the Internet does not alter the Court’s constitutional analysis. As explained above, ITAR-controlled technical data that is sourced from non-library places on the Internet is subject to the same licensing requirements as any other technical data not in the public domain. Plaintiff has not made a case for Internet exceptionalism in analyzing the ITAR’s speech-licensing provisions. Therefore, Plaintiff’s argument is, effectively, that the ITAR’s licensing restrictions on republishing any technical data not in the public domain — as the term is defined in the ITAR — are an unconstitutional prior restraint. They are not. Similarly, interpreting the current ITAR’s definition of a “deemed export” to include uploads to the Internet does not restrict the publication of *otherwise unregulated* information to the Internet, such as information that falls within the public domain exclusion; it merely recognizes that publication on the public Internet is one means of “releasing or otherwise transferring technical data to a foreign person in the United States[.]” 22 C.F.R. § 120.17(a)(2).

¹¹ Plaintiff’s briefing conflates these two scenarios. (See Pl. Br. 16-18; Def. Br. 18 (“Plaintiff’s brief appears to conflate the public domain exclusion ... and the ITAR’s requirements that a license ... be obtained prior to an unrestricted dissemination of ITAR-controlled technical data[.]”)).

“The ITAR’s licensing requirements apply to a broad range of technical data related to items on the USML, and the ‘export’ of that data involves transmission to foreign persons in a variety of contexts[.]” (Def. Br. 19). For the reasons stated above and explained in *United States v. Mak*, the ITAR’s licensing requirements are content-neutral restrictions on speech that survive intermediate scrutiny under *O’Brien* and are not unconstitutionally overbroad. See 683 F.3d at 1134-35.

5. The ITAR’s Licensing Restrictions, Including Its Definition of “Export,” Do Not Violate the Fifth Amendment

A statute or regulation is unconstitutionally vague under the Due Process Clause of the Fifth Amendment if it “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” *United States v. Williams*, 553 U.S. 285, 304 (2008). When determining a Fifth Amendment due process challenge for impermissible vagueness, courts consider “whether a statute is vague as applied to the particular facts at issue, for a plaintiff who engages in some conduct that is clearly proscribed cannot complain of the vagueness of the law as applied to the conduct of others.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 18-19 (2010) (internal citation, quotation marks, and alterations omitted). The Court must therefore determine whether Plaintiff “*in fact* had fair notice that the statute and regulations proscribed [its] conduct.” *United States v. Hsu*, 364 F.3d 192, 196 (4th Cir. 2004).

Plaintiff argues that “the ITAR’s regulation of domestic publication violates the Fifth Amendment” because it is unconstitutionally vague and *ex post facto*. (Pl. Br. 22). Plaintiff cabins its challenge, however, by stating that “the issue here concerns only the *publication* of technical data, which qualifies as ‘exempt’ once published into various public forums.” (Pl. Br. 23 (citing 22 C.F.R. §§ 120.10(b) & 120.11)). The FAC alleges that Plaintiff wishes to distribute, via its website, “published and generally accessible public information that is available from bookstores and libraries, and for which foreign persons already have access to,” that “would have otherwise constituted technical data but is excluded from the technical data provisions because it is in the public domain.” (FAC ¶ 49). The information was “not authorized by the Defendants into the public domain.” (*Id.* at ¶ 52).

As explained above, technical data that is otherwise ITAR-controlled does not qualify for the public domain exclusion simply by virtue of being sourced from the Internet. Therefore, Plaintiff has fair notice that the ITAR proscribes the republication of ITAR-controlled technical data, even if that data is sourced from the Internet, and even if that data is republished via upload to the Internet.

In 2015, the Western District of Texas considered a Fifth Amendment challenge to the ITAR’s prior definition of export, which was then defined to include “[d]isclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the United States or abroad.” *Defense Distributed*, 121 F. Supp. 3d at 701 (quoting 22 C.F.R. § 120.17(a)(4)).

The plaintiff in *Defense Distributed*, as here, wished to post ITAR-controlled technical data to the public Internet. *Id.* At the preliminary injunction stage, the court concluded that the ITAR’s definition of an export did not violate the Fifth Amendment because “[p]ersons of ordinary intelligence are clearly put on notice by the language of the regulations that such a posting would fall within the definition of export.” *Id.*¹² The Court agrees with this reasoning. Moreover, the 2016 ITAR revision defining “export” to include “releasing or otherwise transferring technical data to a foreign person in the United States (a ‘deemed export’)” did not substantially alter the regulation. Therefore, the Court concludes that the current ITAR’s definition of “export” is not unconstitutionally vague under the Fifth Amendment.

CONCLUSION

The Court recognizes that certain portions of this Opinion may engender cognitive dissonance to readers of two prior opinions in this case. *See Stagg I*, 158 F. Supp. 3d at 210 (“Plaintiff also raises several arguments regarding its likelihood of success on the merits that the Government would be wise to note.”); *Stagg II*, 673 F. App’x at 97 (“But just as Stagg’s refusal to disclose — even to the district court — the information it seeks to publish, and whether that information is already publicly available, makes it appropriate to deny the broad preliminary injunction sought, we note concern with the government’s

¹² On appeal the Fifth Circuit upheld the district court’s denial of the preliminary injunction, but stated that it “take[s] no position on” the merits of the issue “whether posting files online for unrestricted download may constitute ‘export[.]’” *Defense Distributed v. U.S. Dep’t of State*, 838 F.3d 451, 461 (5th Cir. 2016).

representations at oral argument.... We state only that, while we affirm the order denying the broad injunction sought by Stagg, we do so without prejudice to the pursuit of narrower relief in the district court.”). However, it was only in the context of the parties’ more detailed briefing on the merits that the Court engaged with the nuances of their competing interpretive arguments.

To review, the Court finds it understandable that Plaintiff brought this litigation, given the aggressive interpretations of the ITAR that have recently been advanced by the Department. However, not all of these interpretive glosses are correct statements of the law, as the Court has explained, and the ITAR, when properly construed, does not implicate the constitutional concerns identified by Plaintiff.

For the reasons stated in this Opinion, Plaintiff’s motion for summary judgment is DENIED and Defendants’ motion for summary judgment is GRANTED. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: January 30, 2019
New York, New York



KATHERINE POLK FAILLA
United States District Judge

Message

From: Dearth, Anthony M [DearthAM@state.gov]
Sent: 2/9/2019 12:49:53 PM
To: Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; Monjay, Robert [MonjayR@state.gov]
Subject: Fw: WTTOnline 02-11-19
Attachments: WTTOnline_02-11-19.pdf

Last snippet regards Cats I-III.

V/R, Tony

Anthony M. Dearth
Chief of Staff
Directorate of Defense Trade Controls
Original Message
From: Meredith Gilston <mgilston@comcast.net>
Sent: Friday, February 8, 2019 8:37 PM
To: Dearth, Anthony M
Reply To: mgilston@comcast.net
Subject: WTTOnline 02-11-19

Dear Colleague,

Attached is the February 11, 2019, issue of Washington Tariff & Trade Letter. This week's issue includes articles on:

- * Senators Introduce Bill to Lift Cuba Embargo
- * USTR Continues "Aggressive" Approach to China
- * Commerce to Restart Mexican Tomato Antidumping Probe
- * WTO Arbitrator Brings Korean Concessions Down to Earth
- * President Preaches to Trade Choir
- * Briefs: Trade Figures, Sanctions, Firearms

Sincerely,

Meredith Gilston
Editor



Vol. 39, No. 6

February 11, 2019

Senators Introduce Bill to Lift Cuba Embargo

Lawmakers took another step toward chipping away at the Cuba embargo Feb. 7 when three senators reintroduced the *Freedom to Export to Cuba Act* (S. 428), a bill that would lift the trade embargo on the island. Sens. Amy Klobuchar (D-Minn.), Mike Enzi (R-Wyo.) and Patrick Leahy (D-Vt.) sponsored the bill, which would eliminate legal barriers to Americans doing business in Cuba.

The bill repeals existing restrictions, including the original 1961 authorization for establishing the trade embargo; subsequent laws that required enforcement of the embargo; and other restrictive statutes that prohibit transactions between U.S.-owned or controlled firms and Cuba, and limitations on direct shipping between U.S. and Cuban ports.

“U.S.-Cuba policy has been defined for far too long by conflicts of the past. The Freedom to Export to Cuba Act would pave the way for new economic opportunities for American businesses & farmers, boost U.S. exports & allow Cubans greater access to American goods,” Klobuchar tweeted Feb. 7.

Lawmakers in December passed the 2018 Farm Bill (H.R. 2), including an amendment that would allow farmers to use trade promotion funds to finance certain agricultural exports to Cuba (see **WTTL**, Jan. 7, page 9). Klobuchar and 13 bipartisan cosponsors previously introduced the embargo bill in June 2017.

USTR Continues “Aggressive” Approach to China

Facing a self-imposed March 1 deadline before raising tariffs on Chinese imports, a high-level U.S. delegation will travel to Beijing Feb. 14-15 in hopes of averting the increased duties. At the same time it is negotiating a deal, the U.S. acknowledged the obvious that its approach to China is more aggressive than in the past.

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Complicating the talks, though officials are loath to admit it, is the recent indictment against Huawei (see **WTTL**, Feb. 4, page 1). The U.S. delegation will include U.S. Trade Representative (USTR) Robert Lighthizer and Treasury Secretary Steven Mnuchin, along with several other trade officials. Deputy USTR Jeffrey Gerrish will participate in deputy-level negotiations beginning Feb. 11.

The USTR's office explained the reasoning behind its aggressive approach in its annual report on China's implementation of its World Trade Organization (WTO) commitments. "Out of necessity, the United States is now using all available tools – including domestic trade remedies, bilateral negotiations, WTO litigation and strategic engagement with like-minded trading partners – to respond to the unique and very serious challenges," USTR wrote in the report released Feb. 4.

The report also cited just "a small sampling of bilateral and multilateral commitments unfulfilled by China," including: forcible technology transfer from U.S. companies; lack of foreign electronic payment services companies in China's domestic market; slow review of applications of agricultural biotechnology products; and illegal export restraints, such as export quotas, export licensing, minimum export prices, export duties and other restrictions.

While the U.S. and its partners have been actively engaged in reforming WTO rules aimed at China, the report highlighted the futility of WTO reform in changing China's ways. "In theory, the WTO membership could adopt new rules requiring members like China to abandon non-market economic systems and state-led, mercantilist trade regime. For several reasons, however, it is unrealistic to expect success in any negotiation of new WTO rules that would restrict China's current approach to the economy and trade in a meaningful way."

Commerce to Restart Mexican Tomato Antidumping Probe

Rotten Tomatoes is more than a film review website. As the administration hails the success of its updated trade deal, Commerce will resume its antidumping investigation of fresh tomato imports from Mexico and could impose duties on those imports. The department Feb. 6 formally announced its intent to withdraw from its 2013 suspension agreement with Mexican tomato exporters.

The long-running dispute over tomatoes from Mexico dates back to the 1990s. Most recently, the Court of International Trade (CIT) ruled in 2015 that Commerce failed to provide all the information behind the deal (see **WTTL**, Sept. 28, 2015, page 1).

"We have heard the concerns of the American tomato producing industry and are taking action today to ensure they are protected from unfair trading practices," said Commerce Secretary Wilbur Ross. Withdrawal would be effective May 7. Upon completion of the withdrawal, Commerce will continue with its investigation and notify the International Trade Commission (ITC) of its final determination, the department said.

Florida Republican lawmakers applauded the deal. “Fairly traded imports can and do enrich Americans’ lives, but we must be clear with our trade partners that unfair trade practices that threaten American livelihoods will not be tolerated,” Sen. Marco Rubio (R-Fla.) said in a statement.

A week before, Rubio and 47 Senate and House colleagues urged Ross to immediately terminate the “ineffective” deal. “Such suspension agreements have always been negotiated with the best intentions in mind. Yet, three different agreements have already been negotiated over the last 22 years because each previous agreement had failed to work as intended,” the lawmakers wrote in a letter to Ross.

In its fourth sunset review of the suspended antidumping investigation in December, Commerce determined that the termination of the suspended investigation “would likely lead to continuation or recurrence of dumping at weighted-average margins up to 188.14%.”

WTO Arbitrator Brings Korean Concessions Down to Earth

A World Trade Organization (WTO) arbitrator ran Korea’s original request for retaliation over U.S. non-compliance in the ongoing WTO Dispute Settlement Body (DSB) case on antidumping and countervailing measures on large residential washers (LRWs) through the spin cycle.

In its ruling Feb. 8, the arbitrator determined that “the level of nullification or impairment caused by the ‘as applied’ inconsistent antidumping and countervailing duty measures” was \$74.4 million and \$10.4 million, respectively. The arbitrator was not convinced by Korea’s argument that the U.S. LRW market would grow on average by 5.8% annually, but said Korea may update this figure annually to account for inflation.

This is the first time a WTO arbitrator has authorized a member to suspend concessions against another member for trade losses resulting from an antidumping measure found to be inconsistent with WTO rules. Korea originally sought \$711 million in annual sanctions over U.S. non-compliance (see **WTTL**, Jan. 22, page 7). The U.S. objected to that level of retaliation, and the matter was automatically referred to arbitration. The final arbitrator’s decision is only 12% of Korea’s original request.

For Korea’s request pertaining to non-LRWs, the arbitrator “devised a formula that Korea may use to determine the level of nullification or impairment in any future instance of application of the ‘as such’ inconsistent anti-dumping measures,” the WTO said.

President Preaches to Trade Choir

While Congress has introduced several bills restricting his trade authority, the president used State of the Union speech Feb. 5 to urge lawmakers to pass an unpopular one that

gives him even more power. In the few minutes he spent on trade, the president also hailed progress on a China trade deal and asked Congress to approve the new U.S.-Mexico-Canada Agreement (USMCA).

The president asked lawmakers to pass the Reciprocal Trade Act (H.R. 764), “so that if another country places an unfair tariff on an American product, we can charge them the exact same tariff on the exact same product that they sell to us,” he said. Since Republican members introduced that bill in January, other lawmakers have sponsored opposing bills restricting his authority under Section 232 to impose tariffs (see Briefs, page 5).

On China, the president claimed the Treasury is “receiving billions and billions of dollars” from recently imposed tariffs on \$250 billion of Chinese goods. With more tariffs on the horizon, “we are now working on a new trade deal with China. But it must include real, structural change to end unfair trade practices, reduce our chronic trade deficit, and protect American jobs.”

The USMCA “will replace NAFTA and deliver for American workers like they haven’t had delivered to for a long time,” he said. The president urged congress to pass the USMCA into law “so that we can bring back our manufacturing jobs in even greater numbers, expand American agriculture, protect intellectual property, and ensure that more cars are proudly stamped with our four beautiful words: ‘Made in the USA.’”

As if coordinated, members of the president’s cabinet immediately put out statements expressing their enthusiastic support. The president “outlined a visionary trade agenda that resonates across party lines and will accelerate America’s manufacturing resurgence, expand export opportunities for our farmers, ranchers and small businesses, and promote America’s leadership in today’s digital economy,” USTR Robert Lighthizer said in a statement.

Industry groups echoed that sentiment. The National Retail Federation (NRF) commended the president for “his efforts to restore balanced trade relationships,” NRF President and CEO Matthew Shay said in a statement. “We encourage the administration to continue to focus on the end goal, and for Congress to restore rather than further neglect its role in trade policy,” he added.

Senate Finance Committee Ranking Member Ron Wyden (D-Ore.) was doubtful. “While I agree with Trump that America needs to do better on trade, so far his administration has done far more to create chaos and uncertainty than deliver results for American workers. When it comes to NAFTA, a deal isn’t worth much if it’s not enforceable, and as it stands NAFTA 2.0 is not enforceable,” he said.

* * * Briefs * * *

TRADE FIGURES: Merchandise exports in November jumped 4.5% from year ago to \$140.3 billion, Commerce reported Feb. 6. Services exports gained 2.2% to \$69.5 billion from November 2017. Goods imports increased 3.5% from November 2017 to record-high \$211.9 billion, as services imports gained 1.85% to \$47.25 billion.

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STEEL: American Institute of Steel Construction, LLC filed countervailing and antidumping duty petitions Feb. 4 with ITA and ITC against fabricated structural steel from Canada, China and Mexico.

NOMINATIONS: Senate Finance Committee Feb. 5 approved nomination of Jeffrey Kessler to be assistant Commerce secretary for enforcement and compliance. "This is an important role when it comes to what I call getting trade done right," Sen. Ron Wyden (D-Ore.) said at committee meeting.

TRADE PEOPLE: National Council of Textile Organizations (NCTO) president and CEO Auggie Tantillo will retire later this year, group announced Feb. 4. Organization intends to make public announcement on Tantillo's replacement "in the coming weeks," it said. Prior to association work, Tantillo was deputy assistant secretary of Commerce for textiles & apparel under President George H.W. Bush.

DRINK UP: USTR Chief Agricultural Negotiator Gregg Doud and United Kingdom (UK) Ambassador to U.S. Kim Darroch Jan. 31 signed two continuity agreements covering wine and distilled spirits "to ensure there is no disruption in trade of these products" when UK leaves EU. UK was top export market for U.S. distilled spirits in 2017, USTR noted. U.S. currently has agreements on wine and distilled spirits with EU.

CONGRESS: If one bill restricting executive tariff authority is good, two would be even better. Rep. Ron Kind (D-Wis.) and Sen. Rob Portman (R-Ohio) Feb. 6 introduced parallel bills (H.R. 1008/S. 365) amending Section 232 "to require the Secretary of Defense to initiate investigations and to provide for congressional disapproval of certain actions." Business Roundtable thanked sponsors for "leadership on reasserting Congress' constitutional authority over tariffs and regulating foreign commerce." Rep. Mike Gallagher (R-Wis.), Sen. Pat Toomey (R-Pa.) and two dozen cosponsors introduced similar bills (H.R.940/S. 287) in January (see **WTTL**, Feb. 4, page 8).

SANCTIONS: Kollmorgen Corporation of Radford, Va. agreed Feb. 7 to pay \$13,381 to settle six OFAC charges of violating Iran sanctions between July 2013 and July 2015. Turkish affiliate Elsim Elektrotechnik Sistemler Sanayi ve Ticaret Anonim Sirketi allegedly dispatched employees to Iran to service machines and provided products, parts or services with knowledge they were destined for Iranian end-users. Kollmorgen voluntarily self-disclosed apparent violations; company acquired control of Elsim in early 2013....At same time, OFAC designated Evren Kayakiran, Elsim manager primarily responsible for conduct, as foreign sanctions evader.

FIREARMS: In response to 30-day formal 38(f) notice from State on long-awaited firearms rules, House progressives Feb. 8 introduced Prevent Crime and Terrorism Act to block transfer from USML categories I (firearms), II (guns and armament) and III (ammunition) to Commerce jurisdiction. "We need proper congressional oversight, so we can step in and make sure these weapons aren't sent to bad actors, including terrorists, drug cartels, human rights abusers or violent criminals," bill co-sponsor Rep. Eliot Engel (D-N.Y.) said in statement. Senate Foreign Relations and House Foreign Affairs committees received notification Feb. 4; if Congress passes no legislation or "hold" on transfer, agencies could publish final rules March 5. After six years on hold, OMB completed review in December (see **WTTL**, Dec. 17, page 6).

Message

From: Jeffrey Kovar [kovarjd@yahoo.com]
Sent: 2/9/2019 8:35:24 PM
To: nightingalerl@state.gov
CC: Jeffrey Kovar [kovarjd@state.gov]
Subject: L/PM weekly

L/PM

<!--[if !supportLists]-->1. <!--[endif]-->**(SBU) ITAR Revisions to Categories I-III (firearms):** On Monday, February 4, the Department formally notified Congress of the Department's intent to remove items from the USML as required section 38(f) of the Arms Export Control Act.

7. (SBU) ITAR: On Monday the Department formally gave notice to Congress of the proposed amendments to the ITAR to shift the regulation of exports of small arms and light weapons to Commerce. [REDACTED]

Message

From: Miller, Michael F [MillerMF@state.gov]
Sent: 2/11/2019 9:43:30 PM
To: Heidema, Sarah J [HeidemaSJ@state.gov]; Kovar, Jeffrey D [KovarJD@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; String, Marik A [StringMA@state.gov]
CC: Minarich, Christine M [MinarichCM@state.gov]
Subject: RE: Points on the 1-3 rule for the NSC

A few suggestions

From: Heidema, Sarah J <HeidemaSJ@state.gov>
Sent: Monday, February 11, 2019 4:27 PM
To: Kovar, Jeffrey D <KovarJD@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; String, Marik A <StringMA@state.gov>; Miller, Michael F <MillerMF@state.gov>
Cc: Minarich, Christine M <MinarichCM@state.gov>
Subject: Points on the 1-3 rule for the NSC

Sarah Heidema
Director
Office of Defense Trade Controls Policy
Directorate of Defense Trade Controls

Department of State
202-663-2809